# Attachment A

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From: Walsh, Michael (Federal) [MWalsh@doc.gov]

**Sent**: 4/13/2020 11:00:46 AM

To: Wilbur Ross [wlr@doc.gov]; 15618321553@efaxsend.com

CC: Barranca, Steven (Federal) [SBarranca1@doc.gov]; Goudarzi, Talat (Federal) [TGoudarzi@doc.gov]

**Subject**: DRAFT talking points for 11:30 call

Attachments: Briefing Materials re Hill Conversation re June 1 Restart.docx

PRIVILEGED AND CONFIDENTIAL PREDECISIONAL AND DELIBERATIVE

Attached are draft talking points for the 11:30 call with the Hill. We will call you at 11:00 to discuss, but please let me know if you have any comments or questions. The attendee list on the Hill side is not yet finalized.

#### DRAFT, PRE-DECISIONAL

# Talking Points Re: 2020 Census Extension & Shift in Field Operations

- 2020 Census self-response is doing very well, and is ahead of the projected schedule.
   Over 70 million households have responded as of today, more than 47% of all households in America.
- Census Bureau is committed to following Federal, State, and local public health authority guidance on safe social distancing to conduct its operations. This has already resulted in significant shift in field operations.
- Under our original path, peak field operations started in mid-March 2020, and continued until the planned end date of Nonresponse Followup (requiring census taker visits to nonresponding residences) on July 31, 2020.
- After that, significant back-end data processing would be conducted to produce the apportionment numbers by December 31, 2020, and redistricting information by March 31, 2021. These are statutory deadlines established in Title 13 of the US Code.
- The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule, which would have re-started peak field operations on April 1 and a completion of field activities by August 14, 2020.
- If this was the only necessary extension, our schedule still allowed us to meet our statutory deadlines.
- On March 28, the Census Bureau announced a further two-week suspension, following the President's COVID-19 guidance.
- During the second pause, and in light of guidance issued since the March 28<sup>th</sup> announcement that would necessitate additional delays, we conducted a thorough examination of field data collection activities, as well as reviewed guidance and projections cited by public health officials.
- The Census Bureau is proposing re-starting peak field operations, consistent with applicable health guidance, after June 1, 2020, and shifting our field data collection activities accordingly.
  - Field data collection activities include our operation to hand-deliver census materials to rural households (Update Leave), enumerate extremely rural places in person (Update Enumerate), count homeless populations, count persons living in institutions or group situations (Group Quarters) and conduct our largest operation, Nonresponse Followup.

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- Importantly: In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.
- Based on the shift in field operations to when they can be conducted safely, the Census Bureau will need an extension of the deadline to deliver apportionment data and redistricting data.
- Under our June 1 restart plan, our window for ending field data collection would extend to October 31, 2020.
- We would deliver apportionment counts no later than April 30, 2021.
- We would deliver redistricting data to the states no later than July 31, 2021.
- In addition, a legislative fix would be necessary to adjust the statutory deadline by which the President transmits the apportionment counts to Congress. Currently, the legislative deadline is within 7 days of the start of the new legislative session. Since the legislative session starts several days after the new year, the practical effect is a deadline within 10-20 days of the delivery of apportionment counts. The legislative text adjusts this deadline to within 14 days to delivery of the count.

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# Statutory deadlines are highlighted in yellow.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self-responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31*
Process Apportionment Counts After collection activities are complete, Census Bureau experts run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.	July 31, 2020 – December 31, 2020	October 31, 2020* – April 30, 2021
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31, 2020	By April 30, 2021
President delivers apportionment counts to Congress	Within 7 days of start of legislative session or, approximately 10-20 days after receipt.	Within 14 days of receipt.
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	By July 31, 2021

<sup>\*</sup>Tentative

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# Potential Q&As

## What about Update Leave and Update Enumerate?

Update Enumerate is where census takers interview about 2,000 households in remote parts of northern Maine and Southeast Alaska. That operation would start around June 14 and end July 29.

Update Leave is the operation where census takers drop off forms at the front doors of 5 million households with hard-to-mail to addresses. That would start around June 13 and end July 9. We would do additional communications campaign activities around the new scheduled dates to encourage response.

#### What about Mobile Questionnaire Assistance?

As originally planned, this activity was designed so that Census Bureau staff would assist people responding online at places and events where people gather. Since this program requires in person events, and significant coordination with partners, we will need conversations with stakeholders to determine how best to support self-response. Currently, some staff that were assigned to MQA are part of our solution to add additional call-center capacity.

# What about Group Quarters?

Group Quarters are residences administered by third-parties, like college housing, prisons, and nursing homes. Many group quarters are responding on schedule, because they opted to respond sharing electronic records or to provide their responses on paper. We are working to increase the number of Group Quarters facilities covered by paper or electronic response now. In person group quarters enumeration would occur between July 1 and September 3 under the new plan.

# What about people experiencing homelessness or the highly transitory population?

The operations that cover these populations require significant coordination with stakeholders, and require further review by Census Bureau methodologists. We are committed to carrying them out- but the exact date will be determined by further review and coordination.

These operations are: Service Based Enumeration, where we work with service providers like soup kitchens, shelters, and other charities that serve the homeless; Enumeration at Transitory Locations, where we count people staying at campgrounds, RV parks, marinas, and hotels if they do not have another residence; and, a count of people living outdoors, where we count people under bridges, in parks, staying in all-night businesses, etc.

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# How will you conduct Nonresponse Followup?

Nonresponse Followup (NRFU) was originally scheduled to commence on May 14 and conclude by July 31. NRFU does not have a statutory deadline. For the first time, because of the online and phone response options, we have planned to keep the self-response option open through the conclusion of NRFU. This would be the case under the new plan as well. Under the new plan, NRFU would begin on August 11 and conclude on October 31, 2020. Self-response for the 2020 Census would be open through October 31, 2020.

# Why can't you collect data after August 14 and still deliver apportionment counts or redistricting data on time?

Once 2020 Census data collection is complete, the Census Bureau begins a lengthy, thorough, and scientifically rigorous process to produce the apportionment counts and redistricting information. This process has to go in order, and additional resources cannot make it go appreciably faster.

# Will this require extra money be appropriated?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- The Census Bureau has estimated that an additional \$810 million could costs above the current lifecycle cost estimate that are incurred as a result of the operational delay. These costs include:

Cost Category	Cost Impact
Additional Staffing Costs	340
Contract Adjustments	260
Additional Advertising and Mailing	160
Rent	40
Other IT and Admin Costs	10
Total Cost	810

- By requesting this amount in addition to what is currently appropriated, we will enter the operational phase with the same risk posture as we would have pre-COVID-19, with contingency balances for both known and unknown risks.
- If there is no appropriation of additional money, it would be good for the period of availability for existing funding to be extended.

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# Are there any other legislative fixes that would be helpful to the 2020 Census?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- There are other statutory adjustments which could help mitigate the impact of the operational delays by improving the bureau's access to administrative data. These include:
  - Authority to access certain data sets the government already has, like the National Directory of New Hires (NDNH) maintained by HHS or the Social Security Administration's Dependent Database known as KIDLINK.
  - Clarification that colleges and universities can share data on their student population with the Census Bureau for the purposes of enumeration without violating the Families Educational Rights and Privacy Act (FERPA)

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From: Walsh, Michael (Federal) [MWalsh@doc.gov]

 Sent:
 5/8/2020 7:38:05 PM

 To:
 Wilbur Ross PII pdoc.gov]

Subject: Census DRAFT

Attachments: 2020 Operaitonal Timeline v5 Clean.docx

PRIVILEGED AND PREDECISIONAL

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Here is the draft we discussed.

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#### DRAFT-PRE-DECISIONAL

- The Census Bureau is resuming operations in a phased restart that adheres to applicable guidance. As of May 8, 2020, field operations have been restarted in 77 Area Census Offices in 22 states. The Census Bureau will continue to resume operations on a rolling basis when it is safe to do so.
- As the Census Bureau restarts in reopened states, its primary focus is two-fold: 1) Update Leave (UL), which helps reach 5 million homes in the USA in rural and remote areas that lack city-style mail; and, 2) the processing for Nonresponse Followup (NRFU) enumerator onboarding.
- These operations must be completed before we can begin the NRFU enumeration work, where census takers will visit non-responding households and conduct in-person interviews to obtain census responses. On a rolling basis state-by-state, as these operations are completed NRFU can begin, assuming the state's rules allow for in-person interviews.
- But- to produce an accurate count- NRFU must be finished *everywhere* and in *every state* before we begin the post-collection Data Processing and Integrity activities, a lengthy, rigorous process which involves sequential computations and tabulations, and multiple rounds of quality assurance.
- The accuracy of the count is important to ensuring reapportionment and even redistricting can happen without considerable legal challenge. Even though Census operations are resuming earlier than planned when an extension was first contemplated, legislation extending certain deadlines is still necessary given the sequential nature of the decennial operations.
- You had asked whether the Census Bureau could compress certain operations in order to make up for lost time. While certain operations can and will be conducted simultaneously, the vast majority of the population in all states is enumerated with these operations which can only be conducted sequentially.
- Pursuant to OMB guidance, the Census Bureau *completely* suspended decennial field operations for **47 days** between March 18 and May 4. Some preparation and office work continued with mission critical employees and telework. But Update Leave (UL) and NRFU Hiring had to be stopped.
- **Update Leave:** Prior to March 18, approximately 10% of the initial UL workload had been completed. Under initial projections, 100% of the Update Leave workload should have been completed by April 17, leaving **30 days left in the operation** wherever it is conducted.
- NRFU Enumerator Onboarding: NRFU requires hiring and onboarding approximately 340,000-500,000 enumerators. This entails recruitment, selection, acceptance and gathering of any additional information, fingerprinting, background checks, onboarding, and training. The suspension of field operations curtailed preparation for this operation, as much of it required personal contact. NRFU was planned for May 13 through July 31. Based on the original schedule, this leaves 56 days left to complete the onboarding process and approximately 79 days to complete the operation.

**Data Processing and Integrity:** Once the NRFU operation is complete, the Census Bureau immediately begins its Data Processing and Integrity activities. Most importantly, it requires all data be collected from field work and self-response before any work can begin. One of the most important aspects of data processing is the removal of duplicate entries within and across states lines. Additional inaccuracies are identified and removed. This quality check is necessary to ensure the process had integrity. Under the original schedule, this would have occurred from August 1, 2020 to December 31, 2020, or **152 days**, to produce accurate apportionment counts. It is worth noting the conditions will not be ideal, as the pandemic

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#### DRAFT - PRE-DECISIONAL

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- If Census Bureau could fully restart today, under ideal conditions: As a rough calculation: If today, May 8, the Census Bureau could restart Update Leave and NRFU Enumerator Onboarding in every state and locality, which it cannot, NRFU Enumerator on boarding could finish on June 3. However, Update Leave would finish on June 8, so the earliest you could field NRFU enumerators to begin that operation would be the following week, June 15. This means the earliest you could finish NRFU, even with the ability to restart immediately every state, is approximately September 1, 2020. By finishing NRFU on September 1, 2020, apportionment counts could not be delivered until January 31, 2021, already after the statutory deadline. Redistricting information would be provided to states by April 30, 2021, already after the statutory deadline.
- Based on the initial suspension of field activities in line with OMB guidance, the Census Bureau can no longer meet its statutory deadlines for delivering apportionment and redistricting data, even conducting operations under unrealistically ideal conditions.
- Reality of Phased Restarting: While the Census Bureau is looking to complete field operations as quickly as possible, the reality of the phased, rolling reopening of states is that it will be difficult to expect to start Update Leave and NRFU Enumerator Onboarding in the states that are furthest behind until the middle of June. This puts the Census Bureau closer to the second week of August before NRFU can fully begin.
- If NRFU begins in its last location by August 14, 2020, it can finish by October 31, 2020. If NRFU is completed by October 31, 2020, apportionment counts can be delivered by April 1, 2021. Redistricting information could be delivered by July 1, 2021. This would require a 90-day extension of the existing statutory deadlines for producing this data.
- Due to the unpredictable nature of the COVID-19 pandemic, as well as increased risks of hurricanes affecting the Southeast during NRFU, the Census Bureau in consultation with the Secretary of Commerce proposed a 120-day extension of the statutory deadline, to mitigate this risk and in order to make one single request of Congress and not need to come back for an additional extension.
- The Secretary of Commerce and Census Bureau leadership have been conducting considerable outreach to state and local elected officials to promote 2020 Census participation. Multiple Governors have communicated with the Census Bureau or made public statements supporting an extension, including Governor Kay Ivey of Alabama. The Secretary has been calling local elected officials for low responding districts, and has found unanimous support for an extension.
- Finally, all of this extension is fully covered by the Census Bureau's already appropriated contingency budget.

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From: Burris, Meghan (Federal) [MBurris@doc.gov]

 Sent:
 8/3/2020 3:56:08 PM

 To:
 Wilbur Ross
 PII

CC: Walsh, Michael (Federal) [MWalsh@doc.gov]; Barranca, Steven (Federal) [SBarranca1@doc.gov]

Subject: Draft Census Statement

Attachments: FOR REVIEW- Draft Director Dillingham Statement\_cd.docx

Mr. Secretary,

Please see below and attached for a draft statement from Dillingham to release today. Please let me know if you're OK with this or if you'd like to make any changes.

Thanks!

# <u>Statement from Director U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count</u>

The U.S. Census Bureau continues to evaluate its operational plans to collect and process 2020 Census data. Today, we are announcing updates to our plan that will permit completion of data collection and apportionment counts by our statutory deadline of December 31, 2020, as directed by the Secretary of Commerce. The Census Bureau's new plan reflects our continued efforts to conduct a complete count, provide accurate apportionment data, and protect the health and safety of the public and our workforce.

- **Complete Count:** A robust field data collection operation will begin expeditiously to ensure we receive responses from households that have not yet self-responded to the 2020 Census.
- As a part of our revised plan, we plan to provide incentives to maximize the hours worked by our enumerators, and conduct replacement trainings. This includes keeping our extremely efficient devices for enumeration in use for the maximum time possible.
- We plan to improve the speed of our count without sacrificing completeness. Our goal is to resolve data for at least 99 percent of households. This goal meets or exceeds the completeness of field data collection set by prior censuses, including 2010, and allows sufficient time for post-data collection processing.
- Our plan allows for field data collection to end by September 30, 2020. Self-response options also will close on that date to permit the commencement of data processing.
- Accurate Data and Efficient Processing: Once we have the data from self-response and field data collection in our secure systems, we plan to review it for completeness and accuracy, streamline its processing, and prioritize apportionment counts to meet the statutory deadline. In addition, we plan to increase our staff to ensure operations are running at full capacity. Plans call for some dedicated staff to work weekends and holidays.
- **Flexible Design:** Our operation remains adaptable and additional resources will help speed our work. The Census Bureau will continue to analyze data and key metrics from its field work to ensure that our operations are agile and on target for meeting our statutory delivery dates. Of course, we recognize that events can still occur which no one can control, such as the COVID-19 pandemic, severe weather, or other natural disasters.

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• **Health and Safety:** We will continue to prioritize the health and safety of our workforce and the public. Our staff will continue to follow Federal, state, and local guidance, including providing appropriate safety trainings and personal protective equipment to field staff.

The Census Bureau continues its work on meeting the requirements of the <u>Presidential Memorandum</u> issued July 21, 2020. A team of experts are examining methodologies and options to be employed for this purpose. The collection and use of pertinent administrative data continues.

The delivery of a complete and accurate 2020 Census remains central to our operations. The dedicated women and men of the Census Bureau, including our temporary workforce deploying in communities across the country in upcoming weeks, will work tirelessly to count every person living in America.

We appreciate the support of our hundreds of thousands of community-based, business, state, local and tribal partners contributing to these efforts across our Nation. The 2020 Census belongs to us all. If you know someone who has not yet responded, please encourage them to do so today online at 2020census.gov, over the phone, or by mail.

#### **DRAFT-PRE-DECISIONAL**

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#### **DRAFT-PRE-DECISIONAL**

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From: Gorey, Lauren (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal); Rockas, James (Federal)

Subject: Census Talkers on COVID-19 Efforts

Date: Tuesday, March 10, 2020 4:55:47 PM

#### Secretary Ross,

Please find below talking points from Census, and cleared by The WH, on 2020 Census COVID-19 efforts. They have several 5:00 pm ET deadlines, including a NPR interview, but I wanted to make you aware of what they are saying. This is based off of what you said at the hearing and prior language on general contingency planning.

Thank you, Lauren

- The Census Bureau will follow the guidance of Federal, State, and local health authorities. We have also established the U.S. Census Bureau COVID-19 Internal Task Force to continuously monitor the situation and update our Pandemic Addendum to the Census Bureau Continuity of Operations (COOP) Plan.
- Our preparation and contingency planning centers on two key principles:
  - o The health and safety of our staff and the American public is of the utmost consideration and importance.
  - o We must fulfill our constitutional obligation to deliver the 2020 Census counts to the President of the United States on schedule, and we must adhere to our core task of counting everyone once, only once, and in the right place.
- The key message right now for anyone with questions about how COVID-19 will affect the 2020 Census: it has never been easier to respond on your own, whether online, over the phone, or by mail—all without having to meet a census taker.
  - o From March 12 through March 20, households will receive their first of many invitations to participate in the 2020 Census.
  - o We are encouraging everyone to respond online as soon as they receive their invitation with the provided instructions to go online. Instructions will include the web address for the online questionnaire in English as well as instructions for where to respond online in the 12 additional languages—ensuring over 99% of U.S. households can respond online in their preferred language.
  - o The invitation will also include phone numbers for English and the 12 additional languages—ensuring over 99% of U.S. households can respond over the phone in their preferred language. Telephone assistance is available seven days a week <u>from 7:00am to 2:00am EDT</u> for those who prefer to respond by

phone.

- o Some households—in areas less likely to respond online—will receive a paper questionnaire in the first mailing, but all households that have not responded online or by phone will receive a paper questionnaire on or <u>between April 8 and April 16</u>. The paper questionnaire includes a pre-paid postage envelope to return by mail.
- Census takers plan to conduct the nonresponse followup operation, which begins in a handful of communities as early as <u>April 9</u>, and starts across the country <u>on May 13</u>. However, households can still respond on their own during this phase (online and phone response is available <u>through July 31</u>).
  - o The Census Bureau will closely follow guidance from public health authorities when conducting this operation, as we do when conducting all field operations.
  - o If we need to delay or discontinue nonresponse follow-up visits in a particular community, we will adapt our operation to ensure we get a complete and accurate count.
  - o Currently, fieldwork for some of our non-Decennial surveys is successfully being conducted by phone where we are seeing an outbreak.
  - o Similarly, partnership specialists are working with local partners and conducting meetings that may have been in person by phone and teleconference.
- We designed our 2020 operations precisely so we could offer multiple ways to respond. In so doing, we are able to make necessary adaptations at the local level for special operations as well. For instance, "group quarters," the operation which counts people in nursing homes, college dorms, prisons, and other institutional living facilities, includes a myriad of ways to respond, such as via eResponse, paper listing, or self-enumeration by the facility. The same is true for "service-based enumeration" which counts persons experiencing homelessness at the site where they receive services. The site administrators have multiple options for response.
- In short, where a community, facility, or service organization makes a change that would affect any field operation, we will adapt to make sure we are getting the same population counted another way.
- We will work to share information about any change in operations with local authorities, community partners, and the media. We will also work with community partners to continue to encourage self-response through the end of the nonresponse followup phase.
- We also have significant contingency budget to address costs of operational

changes. As needed, we will hire additional workers, manage operations out of different offices, or mail additional reminders or questionnaires to areas affected by an outbreak.

• We will continue to monitor the situation and take appropriate steps in consultation with public health authorities.

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#### DRAFT - PRE-DECISIONAL

- The Census Bureau is resuming operations in a phased restart that adheres to applicable guidance. As of May 8, 2020, field operations have been restarted in 77 Area Census Offices in 22 states. The Census Bureau will continue to resume operations on a rolling basis when it is safe to do so.
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#### DRAFT - PRE-DECISIONAL

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- If Census Bureau could fully restart today, under ideal conditions: As a rough calculation: If today, May 8, the Census Bureau could restart Update Leave and NRFU Enumerator Onboarding in every state and locality, which it cannot, NRFU Enumerator on boarding could finish on June 3. However, Update Leave would finish on June 8, so the earliest you could field NRFU enumerators to begin that operation would be the following week, June 15. This means the earliest you could finish NRFU, even with the ability to restart immediately every state, is approximately September 1, 2020. By finishing NRFU on September 1, 2020, apportionment counts could not be delivered until January 31, 2021, already after the statutory deadline. Redistricting information would be provided to states by April 30, 2021, already after the statutory deadline.
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- Reality of Phased Restarting: While the Census Bureau is looking to complete field operations as quickly as possible, the reality of the phased, rolling reopening of states is that it will be difficult to expect to start Update Leave and NRFU Enumerator Onboarding in the states that are furthest behind until the middle of June. This puts the Census Bureau closer to the second week of August before NRFU can fully begin.
- If NRFU begins in its last location by August 14, 2020, it can finish by October 31, 2020. If NRFU is completed by October 31, 2020, apportionment counts can be delivered by April 1, 2021. Redistricting information could be delivered by July 1, 2021. This would require a 90-day extension of the existing statutory deadlines for producing this data.
- Due to the unpredictable nature of the COVID-19 pandemic, as well as increased risks of hurricanes affecting the Southeast during NRFU, the Census Bureau in consultation with the Secretary of Commerce proposed a 120-day extension of the statutory deadline, to mitigate this risk and in order to make one single request of Congress and not need to come back for an additional extension.
- The Secretary of Commerce and Census Bureau leadership have been conducting considerable outreach to state and local elected officials to promote 2020 Census participation. Multiple Governors have communicated with the Census Bureau or made public statements supporting an extension, including Governor Kay Ivey of Alabama. The Secretary has been calling local elected officials for low responding districts, and has found unanimous support for an extension.
- Finally, all of this extension is fully covered by the Census Bureau's already appropriated contingency budget.

#### Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 21 of 144

From: Gorey, Lauren (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal); Rockas, James (Federal)

 Subject:
 To Clear: Census Operations Tables

 Date:
 Saturday, March 21, 2020 11:19:32 AM

 Attachments:
 2020 census operational adjustments-new.pdf

2020 census operational adjustments-long version new.pdf

#### Secretary Ross,

Please find attached for a short and long timeline of the operation adjustments that are being made by Census. Depending on their audience at the time, they will use one or the other. There are outstanding press inquiries that they would like to use these for so they would be grateful for your quick look.

Thank you, Lauren

# 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and households across America are responding every day. In light of the COVID-19 outbreak, the U.S. Census Bureau has adjusted 2020 Census operations in order to

- Protect the health and safety of Census employees and the American public.
- Implement guidance from federal, state, and local health authorities.
- Ensure a complete and accurate count of all communities.

The table below summarizes the adjustments to operations. Should any additional adjustment become necessary, the Census Bureau will promptly publish the change in an updated document.

#### STATUS OF CURRENT OPERATIONS

Activity/Operation	Planned Schedule	Adjustment	Revised Schedule
Self-Response Phase (online, phone, mail)	March 12-July 31	Extended	March 12-August 14
Update Leave	March 15-April 17	Delayed	March 29-May 1
Update Enumerate	March 16-April 30	Suspended and extended	March 16-May 14
Mobile Questionnaire Assistance	March 30-July 31	Delayed	April 13-August 14
Early Nonresponse Followup (NRFU)	April 9-July 31	Delayed	May 7-August 14
Nonresponse Followup (NRFU) and NRFU Reinterview	May 13-July 31	Delayed	May 28-August 14
Group Quarters Enumeration	April 2-June 5	Delayed	April 16-June 19
Service-Based Enumeration	March 30-April 1	Delayed	April 29-May 1
Census counts people experiencing homelessness outdoors	April 1	Delayed	May 1
Enumeration of Transitory Locations	April 9-May 4	Delayed	April 23-May 18
Deliver apportionment counts to the President	By December 31	On schedule	By December 31
Deliver redistricting counts to states	By April 1, 2021	On schedule	By April 1, 2021

Connect with us @uscensusbureau

For more information: **2020CENSUS.GOV** 

D-FS-GP-EN-017

Shape your future START HERE > Census 2020

# 2020 Census Operational Adjustments Due to COVID-19

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- Implement guidance from federal, state, and local health authorities.
- Ensure a complete and accurate count of all communities.

The table below summarizes the adjustments to operations. Should any additional adjustment become necessary, the Census Bureau will promptly publish the change in an updated document.

#### STATUS OF CURRENT OPERATIONS

Activity/Operation	Planned Schedule	Adjustment	Revised Schedule
Self-Response Phase  The public is strongly encouraged to respond online. (Options for	March 12-July 31	Extended	March 12-August 14
responding by phone or mail are also available.)			
Update Leave	March 15-April 17	Delayed	March 29-May 1
Census takers will drop off invitations at the front doors of 5 million households. These households can respond online now—even without their invitation—by providing their address.			
Update Enumerate	March 16-April 30	Suspended and extended	March 16-May 14
Census takers will interview about 2,000 households in remote parts of northern Maine and southeast Alaska. They're interviewing people outside their home, allowing 6 feet of space between one another.		extended	

Connect with us @uscensusbureau

For more information: **2020CENSUS.GOV** 

D-FS-GP-EN-018

Shape your future START HERE> Census 2020

# STATUS OF CURRENT OPERATIONS—Con.

Activity/Operation	Planned Schedule	Adjustment	Revised Schedule
Mobile Questionnaire Assistance	March 30-July 31	Delayed	April 13-August 14
Census Bureau staff will assist people with responding online at places such as grocery stores and community centers.			
Early Nonresponse Followup (NRFU)	April 9-July 31	Delayed	May 7-August 14
Census takers will follow up with households that haven't responded yet around some colleges and universities.			
Nonresponse Followup (NRFU) and NRFU Reinterview	May 13-July 31	Delayed	May 28-August 14
Census takers will interview households in person that have not responded online, by phone, or by mail.			
Group Quarters Enumeration	April 2-June 5	Delayed	April 16-June 19
We're encouraging administrators of facilities like nursing homes, prisons, and student housing to choose an option for counting their residents that requires less in-person contact.			
Service-Based Enumeration	March 30-April 1	Delayed	April 29-May 1
We're working with service providers at soup kitchens, shelters, and regularly scheduled food vans to count the people they serve.			

2020CENSUS.GOV

Shape your future START HERE > Census 2020

# STATUS OF CURRENT OPERATIONS—Con.

Activity/Operation	Planned Schedule	Adjustment	Revised Schedule
Census counts people experiencing homelessness outdoors	April 1	Delayed	May 1
Census takers will count people under bridges, in parks, in all-night businesses, etc.			
Enumeration of Transitory Locations	April 9-May 4	Delayed	April 23-May 18
Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.			
Deliver apportionment counts to the President	By December 31	On schedule	By December 31
By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.			
Deliver redistricting counts to states	By April 1, 2021	On schedule	By April 1, 2021
By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.			

Shape your future START HERE> Census 2020

2020CENSUS.GOV

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From: Walsh, Michael (Federal)

 To:
 Wilbur Ross; 15618321553@efaxsend.com

 Subject:
 Summary of changes to 2020 Field Ops

 Date:
 Wednesday, March 25, 2020 9:58:00 AM

 Attachments:
 120 Day DRAFT VER 1 2020.03.24 jcrj.docx

DELIBERATIVE AND PREDECISIONAL

DP

Please let me know if you approve. Thank you.

# Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 27 of 144

From: Wilbur Ross

To: Walsh, Michael (Federal)

Subject: v 2 Operational Adjustment and Activities- Non-Public- Tentative Dates.docx

Date: Wednesday, April 8, 2020 6:13:06 PM

Attachments: v 2 Operational Adjustment and Activities- Non-Public- Tentative Dates.docx

ATT00001.txt

DP

DRAFT, PRE-DECISIONAL

# 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and households across America are responding every day. Online, phone and mailed self-responses will continue throughout the data collection process. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- > Protect the health and safety of the American public and Census Bureau employees.
- > Implement guidance from federal, state, and local health authorities.
- > Ensure a complete and accurate count of all communities.

The table below summarizes significant activities and operations of the 2020 Census. The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule. On March 28, the Census Bureau announced a further two-week suspension, to conduct a thorough examination of field data collection activities, as well as guidance from federal, state, and local health authorities.

Under the new 2020 Census plan, field activities would resume after June 1, 2020, as Area Census Offices begin returning to full staff capacity. In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self- responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Field Offices at Peak Operations Managers and staff commence administrative, training, deployment and support activities for peak data collection operations. This includes selecting and hiring field staff.	March 1	June 1
Update Leave Census takers drop off invitations at the front doors of 5 million households. These households can respond online now—even without the invitation—by providing their address.	March 15-April 17	June 13 – July 9

# DRAFT, PRE-DECISIONAL

Activity/Operation	DRAIT, FRE-DECISIONA	
Activity/Operation	Planned Schedule	NEW SCHEDULE
Update Enumerate Census takers interview about 2,000 households in remote parts of northern Maine and southeast Alaska.	March 16-April 30	June 14- July 29
Mobile Questionnaire Assistance Census Bureau staff assists people with responding online at places people gather (events, grocery stores, etc.).	March 30-July 31	August 11 to October 31*
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31
In-Person Group Quarters Enumeration Some group quarters have already begun responding through our e-Response enumeration option. Group Quarters that remain as part of our in-person group quarters enumeration efforts will begin in July.	April 2-June 5	July 1- September 3
Service Based Enumeration We're working with service providers at soup kitchens, shelters and regularly scheduled food vans to count the people they serve.	March 30-April 1	July 29 – July 31*
Count of People experiencing homelessness outdoors Census takers count people under bridges, in parks, in all-night businesses, etc.	April 1	July 31*
Enumeration of Transitory Locations Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.	April 9-May 4	September 3 – September 28*
After collection activities are complete, Census Bureau experts	July 31, 2020 – December 31, 2020	October 31, 2020 - April 30, 2021

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# DRAFT, PRE-DECISIONAL

	DIVALITATIONAL	
<b>Activity/Operation</b>	Planned Schedule	NEW SCHEDULE
run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.		
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31	Deliver By April 30, 2021
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	Deliver By July 31, 2021

<sup>\*</sup>Tentative

# Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 31 of 144

From: Walsh, Michael (Federal)

To: Wilbur Ross; 15618321553@efaxsend.com Cc: Kelley, Karen (Federal); Barranca, Steven (Federal)

Subject: Date: Draft Census document

Wednesday, April 8, 2020 3:36:18 PM

Attachments: v 2 Operational Adjustment and Activities- Non-Public- Tentative Dates.docx

#### PRIVILEGED/PREDECISIONAL/DELIBERATIVE

This is the document we propose sending to the folks on the call today.

DRAFT, PRE-DECISIONAL

# 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and households across America are responding every day. Online, phone and mailed self-responses will continue throughout the data collection process. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

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- > Implement guidance from federal, state, and local health authorities.
- > Ensure a complete and accurate count of all communities.

The table below summarizes significant activities and operations of the 2020 Census. The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule. On March 28, the Census Bureau announced a further two-week suspension, to conduct a thorough examination of field data collection activities, as well as guidance from federal, state, and local health authorities.

Under the new 2020 Census plan, field activities would resume after June 1, 2020, as Area Census Offices begin returning to full staff capacity. In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self- responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Field Offices at Peak Operations Managers and staff commence administrative, training, deployment and support activities for peak data collection operations. This includes selecting and hiring field staff.	March 1	June 1
Update Leave Census takers drop off invitations at the front doors of 5 million households. These households can respond online now—even without the invitation—by providing their address.	March 15-April 17	June 13 – July 9

# DRAFT, PRE-DECISIONAL

Activity/Operation	DRAIT, FRE-DECISIONA	
Activity/Operation	Planned Schedule	NEW SCHEDULE
Update Enumerate Census takers interview about 2,000 households in remote parts of northern Maine and southeast Alaska.	March 16-April 30	June 14- July 29
Mobile Questionnaire Assistance Census Bureau staff assists people with responding online at places people gather (events, grocery stores, etc.).	March 30-July 31	August 11 to October 31*
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31
In-Person Group Quarters Enumeration Some group quarters have already begun responding through our e-Response enumeration option. Group Quarters that remain as part of our in-person group quarters enumeration efforts will begin in July.	April 2-June 5	July 1- September 3
Service Based Enumeration We're working with service providers at soup kitchens, shelters and regularly scheduled food vans to count the people they serve.	March 30-April 1	July 29 – July 31*
Count of People experiencing homelessness outdoors Census takers count people under bridges, in parks, in all-night businesses, etc.	April 1	July 31*
Enumeration of Transitory Locations Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.	April 9-May 4	September 3 – September 28*
After collection activities are complete, Census Bureau experts	July 31, 2020 – December 31, 2020	October 31, 2020 - April 30, 2021

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# DRAFT, PRE-DECISIONAL

	DICALL, LIKE DECISIONA	
Activity/Operation	Planned Schedule	NEW SCHEDULE
run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.		
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31	Deliver By April 30, 2021
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	Deliver By July 31, 2021

<sup>\*</sup>Tentative

From: Gorey, Lauren (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal); Rockas, James (Federal)

Subject: For Approval ASAP: Census Schedule Update Statement and Timeline

**Date:** Monday, April 13, 2020 1:42:16 PM

Secretary Ross,

For your approval, a statement and updated timeline to be used for briefings are below on the 2020 Census schedule update.

Thank you, Lauren

#### STATEMENT:

# U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and more households across America are responding every day. Over 70 million households have responded to date, representing over 48% of all households in America. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- > Protect the health and safety of the American public and Census Bureau employees;
- > Implement guidance from Federal, State, and local authorities; and
- > Ensure a complete and accurate count of all communities.

The Census Bureau temporarily suspended 2020 Census field data collection activities in March. Steps are already being taken to reactivate field offices beginning June 1, 2020, in preparation for the resumption of field data collection operations as quickly as possible following June 1.

In-person activities, including all interaction with the public, enumeration, office work, and processing activities, will incorporate the most current guidance to promote the health and safety of staff and the public. This will include recommended personal protective equipment (PPE) and social distancing practices.

Once 2020 Census data collection is complete, the Census Bureau begins a lengthy, thorough, and scientifically rigorous process to produce the apportionment counts, redistricting information, and other statistical data products which help guide hundreds of billions of dollars in public and private sector spending per year.

In order to ensure the completeness and accuracy of the 2020 Census, the Census Bureau is seeking statutory relief from Congress of 120 additional calendar days to deliver final apportionment counts.

Under this plan, the Census Bureau would extend the window for field data collection and self-response to October 31, 2020, which will allow for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than July 31, 2021.

#### [TBD] Statements from Key Members of Congress

[Insert Statement from Homeland Security and Governmental Affairs Committee Chairman Ron Johnson and any other members from key authorizing and appropriating committees who wish to offer statement].

#### **BRIEFING TIMELINE:**

## 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and more households across America are responding every day. Online, phone and mailed self-responses will continue throughout the data collection process. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- > Protect the health and safety of the American public and Census Bureau employees.
- > Implement guidance from Federal, State, and local authorities regarding COVID-19.
- > Ensure a complete and accurate count of all communities.

Under the adjusted 2020 Census operational plan, field activities would resume after June 1, 2020, as Area Census Offices begin returning to full staff capacity. In-person activities, including enumeration, office work, and processing activities, will incorporate the most current guidance from authorities to ensure the health and safety of staff and the public.

Activity/Operation	Original Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self-responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Group Quarters (E-Response & Paper Enumeration) Many group quarters have already begun responding through our e-Response enumeration option.	April 2 – June 5	April 2 – September 3
Remote Alaska Early operation to reach parts of Alaska which may be difficult to reach later in the year and whose populations depart for other activities. The operation will be mostly completed on the original planned schedule, though some areas with year-round populations will be enumerated when it is safe to do so.	January 21 – April 30	Tentatively January 21 – June 19, but may need further review and coordination
Field Offices at Peak Operations Managers and staff commence administrative, training, deployment and support activities for peak data collection operations. This includes selecting and hiring field staff.	March 1	June 1
Update Leave - Stateside Census takers drop off invitations to respond and paper questionnaires at the front doors of 5 million households stateside while updating the addresses.	March 15-April 17	June 13 – July 9
Update Leave – Puerto Rico Update Leave operations for the Commonwealth of Puerto Rico, approximately 1.7 million households, will be coordinated separately.	March 15-April 17	Needs further review and coordination with outside partners and stakeholders.
Update Enumerate Census takers interview about 2,000 households in remote parts of northern Maine and southeast Alaska.	March 16-April 30	June 14- July 29
Nonresponse Followup (NRFU) Census takers will interview households in	May 13-July 31	August 11 – October 31

person.		
In-Person Group Quarters Enumeration Group Quarters that remain as part of our in-person group quarters enumeration efforts will begin in July.	April 2-June 5	July 1- September 3
Service Based Enumeration We're working with service providers at soup kitchens, shelters and regularly scheduled food vans to count the people they serve.	March 30-April 1	Needs further review and coordination with outside partners and stakeholders.
Mobile Questionnaire Assistance Census Bureau staff assists people with responding online at places people gather (events, grocery stores, etc.).	March 30-July 31	Needs further review and coordination with outside partners and stakeholders.
Count of People experiencing homelessness outdoors Census takers count people under bridges, in parks, in all-night businesses, etc.	April 1	Needs further review and coordination with outside partners and stakeholders.
Enumeration of Transitory Locations Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.	April 9-May 4	Tentatively September 3 – September 28, but may need further review and coordination.
Process Apportionment Counts After collection activities are complete, Census Bureau experts run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.	July 31, 2020 – December 31, 2020	October 31, 2020 – April 30, 2021
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31	Deliver By April 30, 2021
President delivers apportionment counts to Congress	Within 7 days of start of legislative session or,	Within 14 days of receipt.

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	approximately 10-20 days after receipt.	
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	Deliver By July 31, 2021

Lauren Ehrsam Gorey Director of Public Affairs Department of Commerce 202.230.3425 From: <u>Wilbur Ross</u>

To: Walsh, Michael (Federal)

**Subject:** Fwd: For Approval ASAP: Census Schedule Update Statement and Timeline

**Date:** Monday, April 13, 2020 2:34:23 PM

Shouldn't I be the one putting out the statement? Dillingham was not even on the Hill briefing call. WLR

Sent from my iPhone

Begin forwarded message:

From: "Gorey, Lauren (Federal)" < LGorey@doc.gov>

Date: April 13, 2020 at 1:42:15 PM EDT

To: Wilbur Ross | PII @doc.gov>

Cc: "Walsh, Michael (Federal)" < <u>MWalsh@doc.gov</u>>, "Rockas, James (Federal)"

//Rockas@doc.gov>

Subject: For Approval ASAP: Census Schedule Update Statement and Timeline

Secretary Ross,

For your approval, a statement and updated timeline to be used for briefings are below on the 2020 Census schedule update.

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#### STATEMENT:

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The 2020 Census is underway and more households across America are responding every day. Over 70 million households have responded to date, representing over 48% of all households in America. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- <!--[if !supportLists]--->> <!--[endif]--->Protect the health and safety of the American public and Census Bureau employees;
- <!--[if !supportLists]-->> <!--[endif]-->Ensure a complete and accurate count of all communities.

The Census Bureau temporarily suspended 2020 Census field data collection activities in March. Steps are already being taken to reactivate field offices beginning June 1, 2020, in preparation for the resumption of field data collection operations as quickly as possible following June 1.

In-person activities, including all interaction with the public, enumeration, office work, and processing activities, will incorporate the most current guidance to promote the health and safety of staff and the public. This will include recommended personal protective equipment (PPE) and social distancing practices.

Once 2020 Census data collection is complete, the Census Bureau begins a lengthy, thorough, and scientifically rigorous process to produce the apportionment counts, redistricting information, and other statistical data products which help guide hundreds of billions of dollars in public and private sector spending per year.

In order to ensure the completeness and accuracy of the 2020 Census, the Census Bureau is seeking statutory relief from Congress of 120 additional calendar days to deliver final apportionment counts.

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[Insert Statement from Homeland Security and Governmental Affairs Committee Chairman Ron Johnson and any other members from key authorizing and appropriating committees who wish to offer statement].

#### **BRIEFING TIMELINE:**

## 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and more households across America are responding every day. Online, phone and mailed self-responses will continue throughout the data collection process. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- <!--[if!supportLists]-->> <!--[endif]-->Protect the health and safety of the American public and Census Bureau employees.
- <!--[if!supportLists]-->><!--[endif]-->Implement guidance from Federal, State, and local authorities regarding COVID-19.
- <!--[if!supportLists]-->> <!--[endif]-->Ensure a complete and accurate count of all communities. Under the adjusted 2020 Census operational plan, field activities would resume after June 1, 2020, as Area Census Offices begin returning to full staff capacity. In-person activities, including enumeration, office work, and processing activities, will incorporate the most current guidance from authorities to ensure the health and safety of staff and the public.

Original Schedule	NEW SCHEDULE
March 12-July 31	March 12 – October 31
April 2 – June 5	April 2 – September 3
January 21 – April 30	Tentatively January 21 – June 19, but may need further review and coordination
March 1	June 1
March 15-April 17	June 13 – July 9
	March 12-July 31  April 2 – June 5  January 21 – April 30  March 1

Update Leave – Puerto Rico Update Leave operations for the Commonwealth of Puerto Rico, approximately 1.7 million households, will be coordinated separately.	March 15-April 17	Needs further review and coordination with outside partners and stakeholders.
Update Enumerate Census takers interview about 2,000 households in remote parts of northern Maine and southeast Alaska.	March 16-April 30	June 14- July 29
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31
In-Person Group Quarters Enumeration Group Quarters that remain as part of our in-person group quarters enumeration efforts will begin in July.	April 2-June 5	July 1- September 3
Service Based Enumeration We're working with service providers at soup kitchens, shelters and regularly scheduled food vans to count the people they serve.	March 30-April 1	Needs further review and coordination with outside partners and stakeholders.
Mobile Questionnaire Assistance Census Bureau staff assists people with responding online at places people gather (events, grocery stores, etc.).	March 30-July 31	Needs further review and coordination with outside partners and stakeholders.
Count of People experiencing homelessness outdoors Census takers count people under bridges, in parks, in all-night businesses, etc.	April 1	Needs further review and coordination with outside partners and stakeholders.
Enumeration of Transitory Locations Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.	April 9-May 4	Tentatively September 3 – September 28, but may need further review and coordination.
Process Apportionment Counts After collection activities are complete, Census Bureau experts run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.	July 31, 2020 – December 31, 2020	October 31, 2020 – April 30, 2021
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021

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Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31	Deliver By April 30, 2021
President delivers apportionment counts to Congress	Within 7 days of start of legislative session or, approximately 10-20 days after receipt.	Within 14 days of receipt.
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	Deliver By July 31, 2021

Lauren Ehrsam Gorey Director of Public Affairs Department of Commerce 202.230.3425

## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 43 of 144

From: Walsh, Michael (Federal)

To: Wilbur Ross; 15618321553@efaxsend.com

Cc: Barranca, Steven (Federal); Goudarzi, Talat (Federal)

Subject: DRAFT talking points for 11:30 call Date: Monday, April 13, 2020 7:00:50 AM

Attachments: Briefing Materials re Hill Conversation re June 1 Restart.docx

# PRIVILEGED AND CONFIDENTIAL PREDECISIONAL AND DELIBERATIVE

Attached are draft talking points for the 11:30 call with the Hill. We will call you at 11:00 to discuss, but please let me know if you have any comments or questions. The attendee list on the Hill side is not yet finalized.

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#### DRAFT, PRE-DECISIONAL

## Talking Points Re: 2020 Census Extension & Shift in Field Operations

- 2020 Census self-response is doing very well, and is ahead of the projected schedule.
   Over 70 million households have responded as of today, more than 47% of all households in America.
- Census Bureau is committed to following Federal, State, and local public health authority guidance on safe social distancing to conduct its operations. This has already resulted in significant shift in field operations.
- Under our original path, peak field operations started in mid-March 2020, and continued until the planned end date of Nonresponse Followup (requiring census taker visits to nonresponding residences) on July 31, 2020.
- After that, significant back-end data processing would be conducted to produce the apportionment numbers by December 31, 2020, and redistricting information by March 31, 2021. These are statutory deadlines established in Title 13 of the US Code.
- The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule, which would have re-started peak field operations on April 1 and a completion of field activities by August 14, 2020.
- If this was the only necessary extension, our schedule still allowed us to meet our statutory deadlines.
- On March 28, the Census Bureau announced a further two-week suspension, following the President's COVID-19 guidance.
- During the second pause, and in light of guidance issued since the March 28<sup>th</sup> announcement that would necessitate additional delays, we conducted a thorough examination of field data collection activities, as well as reviewed guidance and projections cited by public health officials.
- The Census Bureau is proposing re-starting peak field operations, consistent with applicable health guidance, after June 1, 2020, and shifting our field data collection activities accordingly.
  - Field data collection activities include our operation to hand-deliver census materials to rural households (Update Leave), enumerate extremely rural places in person (Update Enumerate), count homeless populations, count persons living in institutions or group situations (Group Quarters) and conduct our largest operation, Nonresponse Followup.

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#### DRAFT, PRE-DECISIONAL

- Importantly: In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.
- Based on the shift in field operations to when they can be conducted safely, the Census Bureau will need an extension of the deadline to deliver apportionment data and redistricting data.
- Under our June 1 restart plan, our window for ending field data collection would extend to October 31, 2020.
- We would deliver apportionment counts no later than April 30, 2021.
- We would deliver redistricting data to the states no later than July 31, 2021.
- In addition, a legislative fix would be necessary to adjust the statutory deadline by which the President transmits the apportionment counts to Congress. Currently, the legislative deadline is within 7 days of the start of the new legislative session. Since the legislative session starts several days after the new year, the practical effect is a deadline within 10-20 days of the delivery of apportionment counts. The legislative text adjusts this deadline to within 14 days to delivery of the count.

## DRAFT, PRE-DECISIONAL

## Statutory deadlines are highlighted in yellow.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self-responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31*
Process Apportionment Counts After collection activities are complete, Census Bureau experts run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.	July 31, 2020 – December 31, 2020	October 31, 2020* – April 30, 2021
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31, 2020	By April 30, 2021
President delivers apportionment counts to Congress	Within 7 days of start of legislative session or, approximately 10-20 days after receipt.	Within 14 days of receipt.
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	By July 31, 2021

<sup>\*</sup>Tentative

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#### DRAFT, PRE-DECISIONAL

## Potential Q&As

## What about Update Leave and Update Enumerate?

Update Enumerate is where census takers interview about 2,000 households in remote parts of northern Maine and Southeast Alaska. That operation would start around June 14 and end July 29.

Update Leave is the operation where census takers drop off forms at the front doors of 5 million households with hard-to-mail to addresses. That would start around June 13 and end July 9. We would do additional communications campaign activities around the new scheduled dates to encourage response.

## What about Mobile Questionnaire Assistance?

As originally planned, this activity was designed so that Census Bureau staff would assist people responding online at places and events where people gather. Since this program requires in person events, and significant coordination with partners, we will need conversations with stakeholders to determine how best to support self-response. Currently, some staff that were assigned to MQA are part of our solution to add additional call-center capacity.

## What about Group Quarters?

Group Quarters are residences administered by third-parties, like college housing, prisons, and nursing homes. Many group quarters are responding on schedule, because they opted to respond sharing electronic records or to provide their responses on paper. We are working to increase the number of Group Quarters facilities covered by paper or electronic response now. In person group quarters enumeration would occur between July 1 and September 3 under the new plan.

## What about people experiencing homelessness or the highly transitory population?

The operations that cover these populations require significant coordination with stakeholders, and require further review by Census Bureau methodologists. We are committed to carrying them out- but the exact date will be determined by further review and coordination.

These operations are: Service Based Enumeration, where we work with service providers like soup kitchens, shelters, and other charities that serve the homeless; Enumeration at Transitory Locations, where we count people staying at campgrounds, RV parks, marinas, and hotels if they do not have another residence; and, a count of people living outdoors, where we count people under bridges, in parks, staying in all-night businesses, etc.

DRAFT, PRE-DECISIONAL

## How will you conduct Nonresponse Followup?

Nonresponse Followup (NRFU) was originally scheduled to commence on May 14 and conclude by July 31. NRFU does not have a statutory deadline. For the first time, because of the online and phone response options, we have planned to keep the self-response option open through the conclusion of NRFU. This would be the case under the new plan as well. Under the new plan, NRFU would begin on August 11 and conclude on October 31, 2020. Self-response for the 2020 Census would be open through October 31, 2020.

# Why can't you collect data after August 14 and still deliver apportionment counts or redistricting data on time?

Once 2020 Census data collection is complete, the Census Bureau begins a lengthy, thorough, and scientifically rigorous process to produce the apportionment counts and redistricting information. This process has to go in order, and additional resources cannot make it go appreciably faster.

## Will this require extra money be appropriated?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- The Census Bureau has estimated that an additional \$810 million could costs above the current lifecycle cost estimate that are incurred as a result of the operational delay. These costs include:

Cost Category	Cost Impact
Additional Staffing Costs	340
Contract Adjustments	260
Additional Advertising and Mailing	160
Rent	40
Other IT and Admin Costs	10
Total Cost	810

- By requesting this amount in addition to what is currently appropriated, we will enter the operational phase with the same risk posture as we would have pre-COVID-19, with contingency balances for both known and unknown risks.
- If there is no appropriation of additional money, it would be good for the period of availability for existing funding to be extended.

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## Are there any other legislative fixes that would be helpful to the 2020 Census?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- There are other statutory adjustments which could help mitigate the impact of the operational delays by improving the bureau's access to administrative data. These include:
  - Authority to access certain data sets the government already has, like the National Directory of New Hires (NDNH) maintained by HHS or the Social Security Administration's Dependent Database known as KIDLINK.
  - Clarification that colleges and universities can share data on their student population with the Census Bureau for the purposes of enumeration without violating the Families Educational Rights and Privacy Act (FERPA)

From: Wilbur Ross

To: Walsh, Michael (Federal)
Subject: Second page continued

**Date:** Sunday, April 19, 2020 1:25:20 PM

DP

Sent from my iPhone

## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 51 of 144

From: Walsh, Michael (Federal)

To: Wilbur Ross
Subject: Census DRAFT

Date:Friday, May 8, 2020 3:38:08 PMAttachments:2020 Operaitonal Timeline v5 Clean.docx

PRIVILEGED AND PREDECISIONAL

DRAFT

Here is the draft we discussed.

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#### DRAFT-PRE-DECISIONAL

- The Census Bureau is resuming operations in a phased restart that adheres to applicable guidance. As of May 8, 2020, field operations have been restarted in 77 Area Census Offices in 22 states. The Census Bureau will continue to resume operations on a rolling basis when it is safe to do so.
- As the Census Bureau restarts in reopened states, its primary focus is two-fold: 1) Update Leave (UL), which helps reach 5 million homes in the USA in rural and remote areas that lack city-style mail; and, 2) the processing for Nonresponse Followup (NRFU) enumerator onboarding.
- These operations must be completed before we can begin the NRFU enumeration work, where census takers will visit non-responding households and conduct in-person interviews to obtain census responses. On a rolling basis state-by-state, as these operations are completed NRFU can begin, assuming the state's rules allow for in-person interviews.
- But- to produce an accurate count- NRFU must be finished *everywhere* and in *every state* before we begin the post-collection Data Processing and Integrity activities, a lengthy, rigorous process which involves sequential computations and tabulations, and multiple rounds of quality assurance.
- The accuracy of the count is important to ensuring reapportionment and even redistricting can happen without considerable legal challenge. Even though Census operations are resuming earlier than planned when an extension was first contemplated, legislation extending certain deadlines is still necessary given the sequential nature of the decennial operations.
- You had asked whether the Census Bureau could compress certain operations in order to make up for lost time. While certain operations can and will be conducted simultaneously, the vast majority of the population in all states is enumerated with these operations which can only be conducted sequentially.
- Pursuant to OMB guidance, the Census Bureau *completely* suspended decennial field operations for **47 days** between March 18 and May 4. Some preparation and office work continued with mission critical employees and telework. But Update Leave (UL) and NRFU Hiring had to be stopped.
- **Update Leave:** Prior to March 18, approximately 10% of the initial UL workload had been completed. Under initial projections, 100% of the Update Leave workload should have been completed by April 17, leaving **30 days left in the operation** wherever it is conducted.
- NRFU Enumerator Onboarding: NRFU requires hiring and onboarding approximately 340,000-500,000 enumerators. This entails recruitment, selection, acceptance and gathering of any additional information, fingerprinting, background checks, onboarding, and training. The suspension of field operations curtailed preparation for this operation, as much of it required personal contact. NRFU was planned for May 13 through July 31. Based on the original schedule, this leaves 56 days left to complete the onboarding process and approximately 79 days to complete the operation.

**Data Processing and Integrity:** Once the NRFU operation is complete, the Census Bureau immediately begins its Data Processing and Integrity activities. Most importantly, it requires all data be collected from field work and self-response before any work can begin. One of the most important aspects of data processing is the removal of duplicate entries within and across states lines. Additional inaccuracies are identified and removed. This quality check is necessary to ensure the process had integrity. Under the original schedule, this would have occurred from August 1, 2020 to December 31, 2020, or **152 days**, to produce accurate apportionment counts. It is worth noting the conditions will not be ideal, as the pandemic

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#### DRAFT - PRE-DECISIONAL

has made impacts that will require additional processing and expertise because populations have temporarily shifted. For example, many college students went home to their parents by Census Day and may have been double counted. After the apportionment counts are finalized, processing on redistricting data would begin, taking roughly **90 days** to complete for all 50 states.

- If Census Bureau could fully restart today, under ideal conditions: As a rough calculation: If today, May 8, the Census Bureau could restart Update Leave and NRFU Enumerator Onboarding in every state and locality, which it cannot, NRFU Enumerator on boarding could finish on June 3. However, Update Leave would finish on June 8, so the earliest you could field NRFU enumerators to begin that operation would be the following week, June 15. This means the earliest you could finish NRFU, even with the ability to restart immediately every state, is approximately September 1, 2020. By finishing NRFU on September 1, 2020, apportionment counts could not be delivered until January 31, 2021, already after the statutory deadline. Redistricting information would be provided to states by April 30, 2021, already after the statutory deadline.
- Based on the initial suspension of field activities in line with OMB guidance, the Census Bureau can no longer meet its statutory deadlines for delivering apportionment and redistricting data, even conducting operations under unrealistically ideal conditions.
- Reality of Phased Restarting: While the Census Bureau is looking to complete field operations as quickly as possible, the reality of the phased, rolling reopening of states is that it will be difficult to expect to start Update Leave and NRFU Enumerator Onboarding in the states that are furthest behind until the middle of June. This puts the Census Bureau closer to the second week of August before NRFU can fully begin.
- If NRFU begins in its last location by August 14, 2020, it can finish by October 31, 2020. If NRFU is completed by October 31, 2020, apportionment counts can be delivered by April 1, 2021. Redistricting information could be delivered by July 1, 2021. This would require a 90-day extension of the existing statutory deadlines for producing this data.
- Due to the unpredictable nature of the COVID-19 pandemic, as well as increased risks of hurricanes affecting the Southeast during NRFU, the Census Bureau in consultation with the Secretary of Commerce proposed a 120-day extension of the statutory deadline, to mitigate this risk and in order to make one single request of Congress and not need to come back for an additional extension.
- The Secretary of Commerce and Census Bureau leadership have been conducting considerable outreach to state and local elected officials to promote 2020 Census participation. Multiple Governors have communicated with the Census Bureau or made public statements supporting an extension, including Governor Kay Ivey of Alabama. The Secretary has been calling local elected officials for low responding districts, and has found unanimous support for an extension.
- Finally, all of this extension is fully covered by the Census Bureau's already appropriated contingency budget.

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From: Wilbur Ross

 To:
 Barranca, Steven (Federal)

 Cc:
 Walsh, Michael (Federal)

Subject: Re: Census Press Release for SWR Clearance

**Date:** Friday, May 22, 2020 9:39:45 AM



Sent from my iPhone

On May 21, 2020, at 8:58 PM, Barranca, Steven (Federal) < SBarranca1@doc.gov > wrote:

Sir,

Please see attached for your approval.

Begin forwarded message:

From: "Davis, Caitlin (Federal)" < CDavis4@doc.gov>

Date: May 21, 2020 at 5:39:57 PM EDT

**To:** "Barranca, Steven (Federal)" < <u>SBarranca1@doc.gov</u>> Cc: "Paranzino, Anthony (Federal)" < <u>AParanzino@doc.gov</u>>,

"Burris, Meghan (Federal)" < MBurris@doc.gov > Subject: Census Press Release for SWR Clearance

Hi Steven,

See attached press release on: Census Bureau Announces 2020 Census Communications Campaign Updates in Response to COVID-19 for the Secretary's review and clearance.

Thank you so much!

Caitlin

<DOC CLEARANCE ICC Adjustments Release\_cd ap v3.docx>

From: Walsh, Michael (Federal)

To: Wilbur Ross

 Cc:
 Barranca, Steven (Federal)

 Subject:
 FW: OMB Supp Request

**Date:** Saturday, July 18, 2020 4:15:04 PM

Attachments: 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

#### Begin forwarded message:

From: "Benjamin J Page (CENSUS/CFO FED)" <benjamin.j.page@census.gov>

Date: July 18, 2020 at 12:14:29 PM EDT

To: "Kelley, Karen (Federal)" < KKelley@doc.gov>, "Risko, Daniel (Federal)"

<DRisko@doc.gov>, "Steven Dillingham (CENSUS/DEPDIR FED)"

<steven.dillingham@census.gov>, "Ron S Jarmin (CENSUS/DEPDIR FED)"

<Ron.S.Jarmin@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)"

<Enrique.Lamas@census.gov>, "Albert E Fontenot (CENSUS/ADDC FED)"

<albert.E.Fontenot@census.gov>, "Timothy P Olson (CENSUS/ADFO FED)"

<Timothy.P.Olson@census.gov>, "James T Christy (CENSUS/LA FED)"

<James.T.Christy@census.gov>, "Christa D Jones (CENSUS/DEPDIR FED)"

<Christa.D.Jones@census.gov>, "Steven K Smith (CENSUS/DEPDIR FED)"

<steven.k.smith@census.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)"

<ali.m.ahmad@census.gov>, "Christopher J Stanley (CENSUS/OCIA FED)"

<christopher.j.stanley@census.gov>

#### Subject: OMB Supp Request

All,

 $\mathsf{DP}$ 

Please let me know if you have any questions.

Ben

DP



**Ben Page**, Chief Financial Officer U.S. Census Bureau

O: 301-763-4700 | M: 202-893-3713

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From: Christa D Jones (CENSUS/DEPDIR FED)

To: Wilbur Ross; Kelley, Karen (Federal); Walsh, Michael (Federal); Risko, Daniel (Federal); Barranca, Steven

(Federal); McDermott, Ryan (Federal)

Cc: Ron S Jarmin (CENSUS/DEPDIR FED); Steven Dillingham (CENSUS/DEPDIR FED); Benjamin J Page (CENSUS/CFO

FED)

Bcc: <u>Michael John Sprung (CENSUS/DEPDIR FED)</u>
Subject: Updated Figures for Census Leadership Update

**Date:** Friday, July 17, 2020 12:58:23 PM

Attachments: Potential Cost Associated with Adjustments 7.17.20.docx

Importance: High

With our apologies that we are just sending this.

Christa D Jones, Chief of Staff

Office of the Director

U.S. Census Bureau

OM: PII

census.gov | @uscensusbureau

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#### **Devices**

- We need to procure phones through our existing DDAAS contract because of the compendium of services that accompany that acquisition, including inventory management, service plans, commissioning, and support.
- The DDAAS vendor identified only approximately 12,000 devices that could supplement our current stock of iPhones, and some of those would come very late in the planned operational window for NRFU operations.
  - 4,200 devices are currently in hand and could be added to our field operations in 4 weeks (August 17). This would cost \$2.7 M.
  - 5,000 additional devices could be procured from the secondary market. The first 2,000 of these devices could be deployed to the field in 8 weeks (September 14<sup>th</sup>), with the remaining 3,000 deployed in 12 weeks (October 12<sup>th</sup>). This would cost \$3.2 M.
- Census acquired 559,000 devices to date. These devices are allocated across operational needs and reserves. The table below breaks down the allocation of all acquired phones:

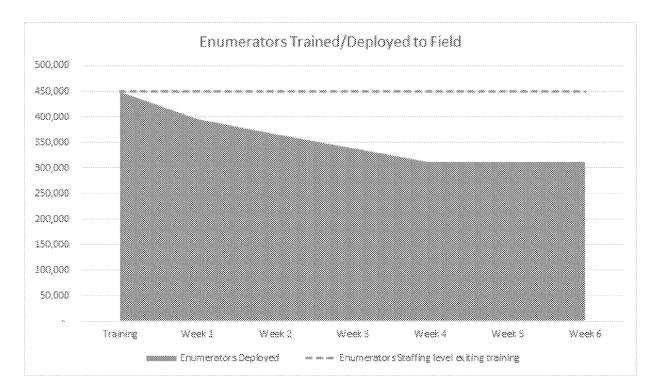
Total Basines Assuined by Canasa	550,000
Total Devices Acquired by Census	559,000
Faulty phones at delivery	-5,722
Replacement for lost, missing, or stolen devices	-8,620
Reserve for break fixes	-10,509
Office staff use	-21,128
Reserve required for replacement training/device recovery	-55,000
Total available for field production activities	458,021
DDAAS Vendor Additional Phones During NRFU window	4,200
Total potentially available for field production activities	462,221

#### **Option for reducing the duration of field operations**

- The current NRFU workload assumes weekly attrition of approximately 12%.
- We could increase our recruitment, training, and onboarding of staff to backfill for this attrition, with the goal of maintaining field enumerators at the initial level coming out of training (449,000)
- This would require 54,000 new recruits each week for six weeks. The marginal costs of this additional recruiting, training, onboarding, and provisioning (including with PPE) would be \$375.6M (\$334M training, \$30.3M fingerprinting/onboarding, \$11.3M PPE)

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The net effect of maintaining the 449,000 would be to reduce field operations by 11 days due to the higher number of productive field hours during the NRFU operation.

	Projected NRFU Duration (with LCCE productivity, not accounting for geographic workload distribution), weeks
With existing staffing plan	6.2
With full attrition replacement	4.7

- This still assumes an average of 19 productive hours worked per enumerator.
  - This is an average driven by an enumerators desire to work and based on historical numbers.
  - Many staff work longer hours, but this is the average.
  - Census has not limited hours for any staff and will allow enumerators to work as much as they desire while workload exists in their geographic area.

Hours worked per week (AdCan)	Number of Staff	Percent
Less than 10	10,878	35%
10 to 20	10,684	34%
20 to 30	6,109	20%
30+	3,415	11%
Total	31,086	

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Pre-Decisional, Internal Use Only

## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 61 of 144

From: Ron S Jarmin (CENSUS/DEPDIR FED)

To: Benjamin J Page (CENSUS/CFO FED); Christa D Jones (CENSUS/DEPDIR FED); Albert E Fontenot (CENSUS/ADDC

FED)

Subject: Fw: 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

**Date:** Wednesday, July 22, 2020 8:36:07 AM

Attachments: 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

ATT00001.txt

Any issues?

Ron S Jarmin, PhD., Deputy Director

U.S. Census Bureau

o: 301-763-1858 | m PII

census.gov | @uscensusbureau

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From: Wilbur Ross PII @doc.gov>

**Sent:** Wednesday, July 22, 2020 8:30 AM

To: Ron S Jarmin (CENSUS/DEPDIR FED) < Ron.S.Jarmin@census.gov>

**Subject:** 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

Please take a look and tell what you think about it. WLR

## 2020 Decennial Census

Conducting a complete and accurate decennial census is a high priority for the Administration. Unfortunately, due to COVID-19, the field operations supporting the 2020 Census have been delayed by three months. In order to address the unanticipated challenges related to COVID-19 and maintain timely delivery of quality data, additional funding is necessary to augment field operations and restore contingency balances as the program enters this critical phase. Funding is also needed to continue to motivate self-response by internet, phone, or mail, including additional advertising, outreach, and mailings.

The Administration's requests to ensure an on time and accurate 2020 Decennial Census include:

- \$400 million to increase replacement hiring, training, and onboarding for all staff attrition during the Non-Response Follow Up (NRFU) operation. This funding will allow Census to maintain a maximum field presence throughout the NRFU operation to shorten the duration of the operation and provide schedule flexibility if additional risks arise during these operations. The current operational plan assumes that a share of the enumerators leave the Census workforce each week and are not replaced.
- \$100 million to encourage field staff to increase the number of hours worked. Enumerators work, on average, 19 hours per week for the Census bureau. By offering pay incentives, such as overtime, to field staff the Census bureau may be able to increase this average number of hours worked, helping to reduce the time required for NRFU field operations, and support the additional replacement hiring and operational surges.
- \$448 million to restore the Bureau's contingency balance for field operations and data processing. Based on known and potential COVID-19 related costs, the Census bureau is projected to substantially draw down contingency balances prior to the start of the largest field operations. Additionally, the delay in field operations presents new challenges for data processing. Additional contingency funds would help to restore the 2020 Census operation to the levels when operations were suspended due to COVID-19 in mid-March and give the program the flexibility to make any operational changes necessary to meet the programs objectives.
- \$50 million for additional advertising to encourage self-response during field operations, including through local television and radio stations, outreach, or mailings to non-responding households, and
- \$2 million transfer to the Office of Inspector General for continued oversight.

## Appropriations Language

Department of Commerce
Bureau of the Census
Periodic Censuses and Programs

For an additional amount for "Periodic Censuses and Programs", \$1,000,000,000, to remain available until September 30, 2022, for necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, \$2,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

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From: Ron S Jarmin (CENSUS/DEPDIR FED)

To: Benjamin J Page (CENSUS/CFO FED); Christa D Jones (CENSUS/DEPDIR FED); Albert E Fontenot (CENSUS/ADDC

FED)

Subject: Fw: 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

**Date:** Wednesday, July 22, 2020 8:36:06 AM

Attachments: 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

ATT00001.txt

Any issues?

Ron S Jarmin, PhD., Deputy Director

U.S. Census Bureau

o: 301-763-1858 | m: 301-980-8140 census.gov | @uscensusbureau

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From: Wilbur Ross | PII @doc.gov>

Sent: Wednesday, July 22, 2020 8:30 AM

To: Ron S Jarmin (CENSUS/DEPDIR FED) < Ron.S.Jarmin@census.gov>

**Subject:** 2020 Decennial Census Supplemental Funding Request 7.18 clean.docx

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- \$100 million to encourage field staff to increase the number of hours worked. Enumerators work, on average, 19 hours per week for the Census bureau. By offering pay incentives, such as overtime, to field staff the Census bureau may be able to increase this average number of hours worked, helping to reduce the time required for NRFU field operations, and support the additional replacement hiring and operational surges.
- \$448 million to restore the Bureau's contingency balance for field operations and data processing. Based on known and potential COVID-19 related costs, the Census bureau is projected to substantially draw down contingency balances prior to the start of the largest field operations. Additionally, the delay in field operations presents new challenges for data processing. Additional contingency funds would help to restore the 2020 Census operation to the levels when operations were suspended due to COVID-19 in mid-March and give the program the flexibility to make any operational changes necessary to meet the programs objectives.
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Bureau of the Census
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From: Wilbur Ross

 To:
 Walsh, Michael (Federal)

 Cc:
 Burris, Meghan (Federal)

 Subject:
 Re: Email for Census Staff

**Date:** Thursday, July 23, 2020 10:56:40 AM

 $\mathsf{DP}$ 

WLR

Sent from my iPhone

On Jul 23, 2020, at 9:50 AM, Walsh, Michael (Federal) < MWalsh@doc.gov > wrote:

#### Revised version below:

DRAFT/PREDECISIONAL

Good morning,

DP

From: Wilbur Ross

 To:
 Burris, Meghan (Federal)

 Cc:
 Walsh, Michael (Federal)

Subject: Re: NYT Inquiry on Census Deadlines
Date: Sunday, July 26, 2020 9:57:08 PM

Ok but shouldn't we respond directly rather than only putting it on the Web site? WLR

Sent from my iPhone

On Jul 26, 2020, at 3:44 PM, Burris, Meghan (Federal) < MBurris@doc.gov > wrote:

Mr. Secretary,

We have received an inquiry from the New York Times in regards to the Census deadline. The article is looking into the Administration's request for \$1 billion to complete the Census in a "timely" fashion and whether the April decision to extend data-collection deadlines is being reconsidered.

Below is text we have drafted to update the Census website tomorrow. It addresses many of the reporter's questions and focuses on how we've adapted our processes throughout the pandemic. We'd like to give the Times this language on background as a Census official. The White House press team supports this response. Please let me know if you're OK with it.

Thanks!

Meghan

Proposed Language:

In light of the COVID-19 outbreak, the U.S. Census Bureau is continually adjusting 2020 Census operations in order to:

- Protect the health and safety of the American public and Census Bureau employees.
- Implement guidance from Federal, State, and local authorities regarding COVID-
- Ensure a complete and accurate count of all communities.

To help the Census Bureau continue to adapt to the COVID-19 pandemic, the White House Office of Management and Budget submitted a supplemental request of additional funding for the 2020 Census. This funding would allow for additional hiring, staffing resources, and replenished contingency funding to provide schedule flexibility as the Census Bureau conducts its largest field operation, Nonresponse Followup. This flexibility is critical to helping the Census Bureau operate in the midst of

unprecedented public health crisis, including trying to wrap upfield data collection as quickly, and safely as possible, while ensuring a complete and accurate count.

Since the suspension of field operations in mid-March, Census Bureau leadership has continually assessed operational plans, Federal, state and local guidance, and the status of COVID-19 cases to ensure that the 2020 Census can fulfill its mission. This ongoing analysis led to the phased restart that began in May, and the soft launch of the Nonresponse Followup operation beginning in July in a number of area census offices. The supplemental request is an extension of this effort to be ready to adapt to anything.

The Census Bureau is working toward the plan to complete field data collection by October 31, 2020. Expert career staff at the Census Bureau will continue to evaluate and plan for all contingencies, including the impact of delivering statutorily required data products at the current legislative deadlines.

From: Burris, Meghan (Federal)

To: Wilbur Ross

 Cc:
 Walsh, Michael (Federal)

 Subject:
 NYT Inquiry on Census Deadlines

 Date:
 Sunday, July 26, 2020 3:44:38 PM

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## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 72 of 144

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From: Burris, Meghan (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal)

Subject: NYT: New Census Worry: An Expedited Count Could Mean an Inaccurate One

**Date:** Tuesday, July 28, 2020 9:30:06 AM

Mr. Secretary,

Below is the story that ran in the New York Times. We pointed them to the language I shared with you over the weekend. As you know, a lot of the questioning Dillingham receives tomorrow will focus on Census leaders' already-public claims that we can't make the deadline without an extension. We are working with him today to make sure he's prepared.

New Census Worry: An Expedited Count Could Mean an Inaccurate One

The New York Times – Michael Wines, July 28

Stalled by the pandemic, the count is supposed to resume soon. But census experts are rattled by signs of a push from the White House to finish it early.

As the 2020 census struggles to find its footing amid the coronavirus outbreak and public reluctance to give the government personal data, officials have a new worry: The Trump administration and Senate Republicans appear to be signaling that they want the census finished well ahead of schedule, pandemic or not.

With almost 40 percent of the nation's households still uncounted, including the hardest-to-reach populations that are disproportionately poor, people of color and young, the Trump administration took the Census Bureau by surprise last week. It asked the Senate Appropriations Committee to set aside \$448 million in the next coronavirus relief package for a "timely" completion of the census.

The request did not define what "timely" meant, and legislation released on Monday said only that the money would be used for nationwide census operations and data processing. But it comes as census workers and former officials say the White House and the Commerce Department, which oversees the Census Bureau, are asking how the bureau can compress its schedule to wrap up the count of households earlier than expected — perhaps by the end of September. The aim, they say, may be to speed up the delivery of key data for political reapportionment to the president by the end of December.

The administration has yet to announce a compressed schedule and may not find a way to do so. But the prospect already has alarmed an array of experts, who warned in recent days that an expedited census risks a deeply flawed count of the nation's population. The census is constitutionally required to count all residents of the country every 10 years.

"There's a lot of uncertainty, but one thing is absolutely sure: There will be egregious undercounts if the Census Bureau has to produce this data by December," said Robert Santos, the vice president of the Urban Institute and the incoming president of the American Statistical Association.

Some, including former Census Bureau directors, raised the prospect that the final totals could be so

skewed that a future Congress might order the bureau to do further work on the 2020 population data, or even consider another census in five years, which federal law allows but which has never been conducted nationwide.

The numbers are enormously important. They are used to reapportion all 435 House seats and thousands of state and local districts, as well as divvy up trillions of dollars in federal grants and aid.

At issue is how fast, and how precisely, the Census Bureau will track down and count the 60 million households that have not filled out census forms.

Slightly more than six in 10 households have completed forms. The remainder are the very hardest to count. To reach them, the bureau has planned to deploy up to 500,000 census takers, each with an iPhone that can securely relay census data to the bureau's computers.

In 2010, census takers worked from May to August to count hard-to-find households. This spring, with the start of that count delayed by the pandemic, the bureau said it was pushing back the start of that work to August, ending on Oct. 31.

With White House approval, the bureau also <u>asked Congress for a four-month extension</u> — to April 2021 — of the <u>Dec. 31</u> statutory deadline for delivering to the president the population totals required to reapportion the House of Representatives.

But that plan now appears to be in flux. Census Bureau workers have been asked whether that <u>Oct.</u> <u>31</u>deadline for collecting data can be moved to September, giving them six or seven weeks to finish a count that was supposed to take 10 weeks.

At the same time, the administration's commitment to extending the delivery of reapportionment statistics beyond the statutory <u>Dec. 31</u> deadline also appears in doubt.

In Congress, the House has approved the four-month delay. The Senate has not. Asked on Saturday whether Senator Mitch McConnell, the majority leader, still supports extending the deadline, a spokesman for the senator said in an email: "Don't think I'm going to be able to help you out on this."

The White House declined to address questions about its census plans. Responding to a reporter's questions, the Census Bureau issued a statement on Monday that neither confirmed nor denied an effort to hasten the completion of the count and the delivery of reapportionment figures.

"The Census Bureau is working toward the plan to complete field data collection by <u>October 31</u>," it said. It then added that its staff would "continue to evaluate and plan for all contingencies, including the impact of delivering statutorily required data products at the current legislative deadlines" — a reference to the <u>Dec. 31</u> date to produce reapportionment figures.

In fact, top Census Bureau officials already have said that meeting that deadline is impossible.

"We have passed the point where we could even meet the current legislative requirement

of <u>December 31.</u>We can't do that anymore," the census official leading field operations for the count, Tim Olson, <u>told a Native American organization</u> during a webinar in May.

And in a webinar this month for groups with a stake in census results, the associate director of the census, Albert E. Fontenot Jr. said, "we are past the window of being able to get those counts" by year's end.

The new concerns come atop a growing record of political interference in census decisions by the Trump administration.

The Supreme Court last year, in a 5-4 vote, <u>rejected the administration's effort to add a citizenship question</u> to the census that experts said would surely depress the count of immigrants and minorities, documented and otherwise.

On White House orders, the Census Bureau last month <u>created two top-level positions</u> and filled them with political appointees from outside, a remarkable move in an agency renowned for its nonpartisan culture.

Some critics say <u>Mr. Trump's order last week to exclude undocumented immigrants</u> from state-bystate population totals used for reapportionment totals explains the administration's apparent desire to speed up census work.

The order, which is already being challenged in court, is widely viewed as unconstitutional by legal scholars. But for the order to have any chance of succeeding, they say, the census totals used for reapportionment must be delivered to Mr. Trump while he is still in office — as he almost certainly will be on Dec. 31, but may well not be in April 2021.

"I think it's entirely about that," Thomas A. Saenz, the president of the Mexican American Legal Defense and Educational Fund, said on Monday. "He wants to exclude undocumented immigrants because he believes it will shift representation away from blue states to red states. In the end, it's entirely about trying to stem Latino political power."

Others say Mr. Trump's order, regardless of whether it is upheld, could have an impact on representation by making noncitizens worry that their answers on a census survey could be used against them.

"They clearly have an agenda for not counting undocumented immigrants in the apportionment count," said Vanita Gupta, the president of the Leadership Conference on Civil and Human Rights, a coalition of more than 200 advocacy groups. "I think the administration knows their order isn't going to be constitutional. Maybe through fear of it, they're trying to get to the same place."

Experts said a rush to wrap up the census would force the bureau into shortcuts that would make population totals significantly less accurate. Months of post-census analysis and accuracy checks also would be at risk were population totals required by December.

"It won't be finished unless they can quickly ramp up something, like using administrative records" instead of census takers to count households, said Kenneth Prewitt, a Columbia University public affairs professor who led the Census Bureau during the 2000 census. "Otherwise, you end up with a census that's 10 percent uncounted, or 12 percent."

Mr. Prewitt and John Thompson, a career Census Bureau official who directed the agency from 2013 to 2017, said the bureau also could be forced to expand its use of a statistical method called imputation, in which an algorithm makes an educated guess about who lives in a household by looking at who lives nearby.

Past censuses have relied on imputation for a tiny fraction of households — about 1 percent, in most cases — that could not be otherwise counted. But "it could get a lot bigger, maybe 10 or 15 percent in some areas of the country, if they have to cut it short," Mr. Thompson said.

If past censuses are any indication, the Census Bureau will state clearly where it believes inaccuracies lie, and how large they might be. After the count, the bureau conducts a massive accuracy check, called a post-enumeration survey, in which experts revisit a sample of households to see whether reported data was correct.

But while the bureau will say how inaccurate its numbers are, it will not, in all likelihood, say whether it believes they can be relied on.

"What it means to fail to have a census has never been tested," said Justin Levitt, an expert on the topic at Loyola Law School in Los Angeles. "How bad it has to be before it's not a census anymore is something we have yet to decide."

Should it come to that, he said, that judgment would probably be hashed out in Congress — and later in the courts.

The information, and any attachments contained in this email may contain confidential and/or privileged information and is intended solely for the use of the intended named recipient(s). Any disclosure or dissemination in whatever form, by another other than the intended recipient is strictly prohibited. If you have received this transmission in error, please contact the sender and destroy this message and any attachments. Thank you.

From: Burris, Meghan (Federal)

To: Wilbur Ross

 Cc:
 Walsh, Michael (Federal)

 Subject:
 Email for Census Staff

**Date:** Thursday, July 23, 2020 8:13:40 AM

#### Mr Secretary,

Please see below for a draft email we propose you send to Census Bureau staff to clear up some of their confusion around counting methodologies following the Memo POTUS signed on Tuesday. We could use it to shape some of the media coverage around the Census and how the Bureau is going to manage the President's request moving forward, without it having to be an official statement from you to the press.

#### DRAFT/PREDECISIONAL

#### Good morning,

We at the Department of Commerce and Census Bureau are committed to a complete and accurate count of every person living in this nation.

Pursuant to the Presidential Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census, I have asked the Census Bureau to examine and report to me on the methodologies available to "provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy" of "the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law."

As reinforced by the language of the memorandum, the Census Bureau will continue its data collection operation without alteration, "according to the methodology set forth in Final 2020 Census Residence Criteria and Residence Situations, 83 Fed. Reg. 5525 (Feb. 8, 2018)" and will report those numbers to me as dictated by law.

Separately, I have asked the Census Bureau to formally assess and report to me on the feasibility of producing apportionment counts and redistricting data by the current legislative deadlines.

The Census Bureau's shift in operations for the 2020 Census was necessitated by the COVID-19 pandemic, and it continues to be my desire that the Census Bureau complete data collection by October 31, 2020, or sooner, if feasible. The operational leadership of the 2020 Census continues to make decisions about field operations based on data and Federal, state and local public health guidance.

You are true public servants and I thank you for your continued work to support this very important mission.

From: Burris, Meghan (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal); Barranca, Steven (Federal)

Subject: Draft Census Statement

**Date:** Monday, August 3, 2020 11:56:10 AM

Attachments: FOR REVIEW- Draft Director Dillingham Statement cd.docx

Mr. Secretary,

Please see below and attached for a draft statement from Dillingham to release today. Please let me know if you're OK with this or if you'd like to make any changes.

Thanksl

#### Statement from Director U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count

The U.S. Census Bureau continues to evaluate its operational plans to collect and process 2020 Census data. Today, we are announcing updates to our plan that will permit completion of data collection and apportionment counts by our statutory deadline of December 31, 2020, as directed by the Secretary of Commerce. The Census Bureau's new plan reflects our continued efforts to conduct a complete count, provide accurate apportionment data, and protect the health and safety of the public and our workforce.

- Complete Count: A robust field data collection operation will begin expeditiously to ensure we receive responses from households that have not yet self-responded to the 2020 Census.
  - As a part of our revised plan, we plan to provide incentives to maximize the hours worked by our enumerators, and conduct replacement trainings. This includes keeping our extremely efficient devices for enumeration in use for the maximum time possible.
  - We plan to improve the speed of our count without sacrificing completeness. Our goal is to resolve data for at least 99 percent of households. This goal meets or exceeds the completeness of field data collection set by prior censuses, including 2010, and allows sufficient time for post-data collection processing.
  - Our plan allows for field data collection to end by September 30, 2020. Selfresponse options also will close on that date to permit the commencement of data processing.
- Accurate Data and Efficient Processing: Once we have the data from self-response and field data collection in our secure systems, we plan to review it for completeness and accuracy, streamline its processing, and prioritize apportionment counts to meet the statutory deadline. In addition, we plan to increase our staff to ensure operations are running at full capacity. Plans call for some dedicated staff to work weekends and holidays.

- **Flexible Design:** Our operation remains adaptable and additional resources will help speed our work. The Census Bureau will continue to analyze data and key metrics from its field work to ensure that our operations are agile and on target for meeting our statutory delivery dates. Of course, we recognize that events can still occur which no one can control, such as the COVID-19 pandemic, severe weather, or other natural disasters.
- **Health and Safety:** We will continue to prioritize the health and safety of our workforce and the public. Our staff will continue to follow Federal, state, and local guidance, including providing appropriate safety trainings and personal protective equipment to field staff.

The Census Bureau continues its work on meeting the requirements of the <u>Presidential Memorandum</u> issued July 21, 2020. A team of experts are examining methodologies and options to be employed for this purpose. The collection and use of pertinent administrative data continues.

The delivery of a complete and accurate 2020 Census remains central to our operations. The dedicated women and men of the Census Bureau, including our temporary workforce deploying in communities across the country in upcoming weeks, will work tirelessly to count every person living in America.

We appreciate the support of our hundreds of thousands of community-based, business, state, local and tribal partners contributing to these efforts across our Nation. The 2020 Census belongs to us all. If you know someone who has not yet responded, please encourage them to do so today online at 2020 census gov, over the phone, or by mail.

#### **DRAFT-PRE-DECISIONAL**

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The Census Bureau continues its work on meeting the requirements of the [HYPERLINK "https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/"] issued July 21, 2020. A team of experts are examining

#### **DRAFT-PRE-DECISIONAL**

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From: Burris, Meghan (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal)

Subject: NPR: Census Door Knocking Cut A Month Short Amid Pressure To Finish Count

**Date:** Friday, July 31, 2020 8:52:23 AM

Mr. Secretary,

Please see the below NPR story that states we are wrapping up door knocking operations by Sept. 30. There are several Census field directors who anonymously confirmed this for the reporter. Census responded with a statement that had been cleared by OMB and my team prior to Dillingham's hearing, which basically says we are evaluating our operations to achieve a complete and accurate count in the most expeditious way possible.

There was an unreasonable turnaround time in the request for comment, and we didn't want a story out there that says we declined to comment. We also didn't want to look disingenuous by pushing back on the 9/30 date because it very well may be then, but that is yet to be determined. We can always have the reporter update the story if you're uncomfortable, and we are still looking at other ways we might be able to push back.

#### Census Door Knocking Cut A Month Short Amid Pressure To Finish Count

Updated at 2:32 a.m. ET Friday

The Census Bureau is cutting short critical door-knocking efforts for the 2020 census amid growing concerns among Democrats in Congress that the White House is pressuring the bureau to wrap up counting soon for political gain, NPR has learned.

Attempts by the bureau's workers to conduct in-person interviews for the census will end on Sept. 30 — not Oct. 31, the end date it indicated back in April would be necessary in order to count every person living in the U.S. given major setbacks from the coronavirus pandemic. Three Census Bureau employees, who were informed of the plans during separate internal meetings Thursday, confirmed the new end date with NPR. All of the employees spoke on the condition of anonymity out of fear of losing their jobs.

"It's going to be impossible to complete the count in time," says one of the bureau employees, an area manager who oversees local census offices. "I'm very fearful we're going to have a massive undercount."

Asked why and when the decision was made to move up the end of door knocking, the Census Bureau replied in a written statement on Friday: "We are currently evaluating our operations to enable the Census Bureau to provide this data in the most expeditious manner and when those plans have been finalized we will make an announcement."

About 4 out of 10 households nationwide have still not participated in the constitutionally mandated count of every person living in the U.S., and <u>self-response rates</u> are even lower in many communities.

This month, the bureau began deploying door knockers to visit unresponsive homes in certain parts of the

country. Door-knocking efforts are expected to roll out nationwide Aug. 11.

It's unclear how much longer households can submit census responses on their own by going <u>online</u>, over the phone and by mail. <u>The bureau's website</u> — which as recently as Thursday still listed Oct. 31 as the end of the "self-response phase" that began in March — <u>now reads</u> that phase will last until the end of field data collection.

The condensed door-knocking timeframe increases the risk of leaving out many people of color, immigrants and other members of historically undercounted groups from numbers that are collected once a decade to determine each state's share of congressional seats, Electoral College votes and an estimated \$1.5 trillion a year in federal tax dollars for Medicare, Medicaid and other public services.

Former Census Bureau Director John Thompson warns that with less time, the bureau would likely have to reduce the number of attempts door knockers would make to try to gather information in person. The agency may also have to rely more heavily on statistical methods to impute the data about people living in households they can't reach.

"The end result would be [over-representation] for the White non-Hispanic population and greater undercounts for all other populations including the traditionally hard-to-count," Thompson wrote in <u>written</u> testimony for a hearing on the census before the House Oversight and Reform Committee on Wednesday.

This last-minute scheduling change to the largest and most expensive field operation for the 2020 census comes as the bureau has been publicly sending mixed signals about its plans for finishing the count.

In April, Commerce Secretary Wilbur Ross, a Trump appointee who oversees the bureau, <u>asked Congress</u> to extend the <u>legal deadlines for reporting census results</u> because the bureau said it needed extra time to complete the national head count during the coronavirus pandemic.

Later that same day, President Trump suggested that Congress did not have a choice in approving the deadline extensions in light of the pandemic.

"This is called an act of God," Trump said. "This is called a situation that has to be. They have to give it."

So far, only <u>Democrats have introduced legislation</u> that would grant the bureau's request.

On Wednesday, the bureau <u>quietly updated its website</u> and removed a <u>key reference</u> to Oct. 31, the previously announced end date for conducting follow-up visits. The bureau's website now says it is "working to complete data collection as soon as possible, as it strives to comply with the law and statutory deadlines."

Arturo Vargas — CEO of the National Association of Latino Elected and Appointed Officials Educational Fund, which is helping to promote census participation — called the update "alarming."

"We are concerned over what seems to be an abandonment of the request for the additional time that both the White House and Census Bureau have already acknowledged is required for a full and accurate census," Vargas said in a statement. "It is too late now for the Bureau to change course, and the next COVID-19 relief legislation should reflect that reality."

The White House, according to the bureau's updated webpage, did ask for an additional \$1 billion to fund

"accelerated efforts" for completing counting "as quickly, and safely as possible." In their proposal for relief aid released on Monday, Republicans in Congress offered less than half of that amount with no deadline extensions.

During a hearing Wednesday before the House oversight committee, Steven Dillingham — the bureau's director and a <u>Trump appointee</u> — gave lawmakers little insight into why the timing change was made.

Rep. Jimmy Gomez, D-Calif., <u>repeatedly asked</u> Dillingham whether he supports the bureau's request to extend the census deadlines. But Dillingham did not answer the questions.

Asked by Rep. John Sarbanes, D-Md., if he was aware that the Trump administration reportedly wants to quickly wrap up counting so that the president can receive the census apportionment numbers by the end of the year, <u>Dillingham replied</u>: "I'm not aware of all the many reasons except to say that the Census Bureau and others really want us to proceed as rapidly as possible."

But top career officials at the bureau — including Tim Olson, the associate director for field operations — have <u>publicly warned since May</u> that the agency can no longer meet the current deadlines.

Pressed by Rep. Rashida Tlaib, D-Mich., <u>Dillingham said he "can't agree"</u> with Olson's assessment, noting the bureau has "many more assessments ahead of us here."

"President Trump and Mitch McConnell are demanding the American people finance their political manipulation of our democracy," Rep. Carolyn Maloney, D-N.Y., chair of the House oversight committee, said in a statement after the hearing. "Rushing the census to completion means that census workers will not have enough time to follow up on the non-responses, an essential operation designed to find and count the hardest to reach communities."

The office of Senate Majority Leader Mitch McConnell, R-Ky., and the White House press office have not responded to NPR's requests for comment.

The pandemic has forced the bureau to scramble to find alternative locations for onboarding newly hired census workers, and the bureau is expecting public health concerns to increase the number of people who don't show up to be trained or to work.

Moving up the end date from Oct. 31 for door knocking is likely to throw the census, <u>already upended by months of delays</u>, deeper into turmoil as <u>hundreds of thousands of the bureau's door knockers</u> try to figure out how to conduct in-person interviews as many states grapple with growing coronavirus outbreaks in the middle of hurricane season.

"That date doesn't mean anything to me after today," a Census Bureau official told NPR on Wednesday, speaking on the condition of anonymity out of fear of retaliation from superiors for speaking out.

"It's embarrassing because we have been discussing this in presentations and conversations with staff," the official added. "I'm hurt that they 'suddenly' changed their minds."

News about the Sept. 30 end date for door knocking apparently had not reached all of the bureau's staff by Thursday morning, when Jeff Behler, director for the bureau's New York regional office, said during a press briefing that local census offices in New England, New York, New Jersey and Puerto Rico were still scheduled to continue visiting unresponsive households through the end of October.

"Are we doing anything to accelerate?" Behler said during the briefing organized by the Association for a Better New York. "I would say, not really."

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On Wednesday, during a hearing full of nonanswers and roundabout responses to lawmakers' questions, Dillingham did appear certain about at least one topic.

The director of the Census Bureau testified that he first learned about Trump's plans to attempt to exclude unauthorized immigrants from the census numbers used to reapportion seats in Congress not from any internal discussions, but from a news report "late on a Friday" that said, "such a directive may be coming down."

"I will swear to it all day long under oath," <u>Dillingham said</u> after Rep. Debbie Wasserman Schultz, D-Fla., <u>looking incredulous in a remote video feed</u>, reminded him that he was testifying under oath.

Gomez, another House member who joined the hearing remotely to question Dillingham, left the bureau's director with a stern warning before stepping away from the camera.

"It seems like there's an obvious pattern that you're not in control of the Census Bureau," <u>Gomez said</u>. "Your name will go down in history if this is the worst census ever conducted by the United States government. You're not going to run away and say that this was only because of the Trump administration later on. You will be responsible."

#### Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 86 of 144

From: Walsh, Michael (Federal)

To: Wilbur Ross

Cc: Subject: Cc: Barranca, Steven (Federal) DRAFT Census plan

Sunday, August 2, 2020 5:13:41 PM

Attachments: Operational and Processing Options to meet September 30 Final.pdf

PRIVILEGED AND CONFIDEDENTIAL PREDECISIONAL AND DELIBERATIVE DRAFT

Attached is a draft plan from Census on meeting the 12/31 deadline. It is still being revised and proofread.

# Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment

August 3, 2020



### **Bottom Line Up Front**

**Objective:** We have developed this plan in response to your request to provide an apportionment count by the statutory deadline of December 31, 2020.

- Maximizing staff and production hours for field data collection operations to conclude field data collection by September 30, 2020.
- Compressing and streamline backend processing to deliver apportionment counts by December 31, 2020.
- Achieving an acceptable level of accuracy and completeness, with a goal of resolving at least 99% of Housing Units in every state.





### Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 89 of 144 Nonresponse Followup Operational Options

#### **Early Start of Nonresponse Followup Operations**

- 6 Cycle 1a Area Census Offices (ACOs) began operations on July 16
- 6 Cycle 1b ACOs began operations on July 23
- 35 Cycle 2 ACOs were scheduled to begin operations on July 30; however, we started operations earlier in some ACOs where staff was available.
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  - These ACOs will have to deploy staff regardless of the COVID-19 risk in those areas to open on these dates.



## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 90 of 144 Increased Replacement Iraining for Enumerators

Replacement Training Options	Potential Efficiency Gain / Applicable Costs to Implement
Inviting More People to Training	Over selection rates will address higher- than-expected no-show rates of 35%, bringing us closer to our target initial staffing levels.
Continual Replacement Training	Expect to conduct replacement training for at least 135K Enumerators due to attrition. Just over 11,000 training additional sessions:  \$90m total training cost



## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 91 of 144 BONUSES FOR INCREASED WORK

Pay Bonus Options	Potential Efficiency Gain / Applicable Costs to Implement
Implement Enumerator Pay bonus to boost work hours from 19 to 25 per week:  Propose \$100 for exceeding 25 hours/week	Expect 250,000 to qualify: \$25m/week Increases capacity by 1.5 million work hours per week, or 80,000 more "19 hour" enumerators per week
<ul> <li>Implement Enumerator Pay bonus for working multiple 25 hour weeks:</li> <li>Propose \$500 for completing 3 weeks of production</li> <li>Can be renewed</li> </ul>	Expect 150,000 to qualify: \$75m total cost
<ul> <li>Implement CFS Pay bonus for working multiple weeks:</li> <li>Propose \$750 for completing 3 weeks of production (from established start date)</li> <li>Would require 'acceptable' minimum of 32 hours per week</li> <li>Can be renewed</li> </ul>	Expect 15,000 CFSs to qualify: \$11.5m total cost per week



### Outreach Methods to Expand Reach to Underperforming Areas

Options	Potential Efficiency Gain / Applicable Costs to Implement
<ul> <li>Expand the use of NRFU Travel Teams:</li> <li>Moving teams that have successfully completed their areas to areas requiring additional attention</li> </ul>	Using experienced staff minimizes the need to train new staff – particularly in areas where new staff are not available.
<ul> <li>Implement outbound phone calling to conduct interviews:</li> <li>Use telephone numbers from ERD Contact Frame</li> <li>Used by enumerators in ACOs that are finishing up to help out in other ACOs</li> </ul>	Enables enumeration in high COVID-19 risk areas and provides additional data collection capability.





## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 93 of 144 Adjustments to NRFU Contact Strategy

NRFU Adjustment Options	Potential Efficiency Gain / Applicable Costs to Implement
Close out self-reported vacants that are also Administrative Record (AdRec) vacant	Reduce workload by 140k cases
Reduce contact attempts for self-reported vacants from 6 to 1, if HU is confirmed vacant	Increase enumerator productivity
Reduce contact attempts for Re-Interview (RI) and Self-Response Quality Assurance (SRQA) cases from 6 to 3	Reduce attempts from 6 to 3 for 1.9 million cases, increase enumerator productivity
Eliminate Random RI, and depend on analytic sampling	Reduce NRFU workload by 800k cases – potential reduction in quality of enumerator work
Make "pop count only" sufficient earlier in the operation	Still being researched, TBD
	Shape



## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 94 of 144 Implement Additional Administrative Record Options

Administrative Records Options	Potential Efficiency Gain / Applicable Costs to Implement
We are in consultation to revise our AdRec strategy to use IRS-only (no corroborating sources) for "pop count only" cases	Reduce attempts from 6 to 1 for estimated 3.8 million cases, contingent on IRS approval, increasing enumerator productivity
Close out cases with conflicting AdRec showing both vacant and delete	Reduce attempts from 6 to 1 for 1.9 million cases, increasing enumerator productivity



### Overview of Backend Processing

#### **Assumptions:**

- Highly compressed schedule for 2020 Census data processing and review of data products.
- 2. Post-processing must start by October 1, 2020.
- 3. Post-processing work activities are limited to those required to produce apportionment counts. Delivery of redistricting data products will be negatively impacted under this revised plan and we are determining full impacts.
- 4. All of these activities represent abbreviated processes or eliminated activities that will reduce accuracy.





## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 96 of 144 Compressing Backend Processing

Adjusted Activity	Impact and Risks
Finalize Master Address File (MAF) updates from remaining field operations by 9/4/20	We do not anticipate that the resulting number of updates not included will be highly significant. However, increases risk of inaccuracy.
Address updates from continued field work after 9/4/20 will not be applied to the MAF	
Eliminate the step that includes Decennial Statistical Studies Division (DSSD) review of the MAF extract	Risk of missing and therefore propagating errors, however the MAF is the most accurate ever.
Lock Geographic processing on 9/25/20 and deliver the final 2020 Census address universe by 10/14/20	Reduces a 35 day processing duration to 19 days.
Cancel Count Review Event 2, eliminating the need for late Group Quarters Enumeration (GQE) operations	State demographer review of GQ data will be cancelled. The Demographic and Decennial staffs will work together to develop the message and communicate it to the Federal State Cooperative for Population Estimates (FSCPE)/states. The risk is virtually certain vocal objections from the FSCPE State Demographers and the State Governors they serve.



## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 97 of 144 Compressing Backend Processing - Continued

Adjusted Activity	Impact and Risks
Create a separate processing stream for the Enumeration of Transitory Locations (ETL) and Service Based Enumeration (SBE) operations that follows the Federally Affiliated Count Overseas (FACO)	This file needs to be delivered to POP by the time the CUF – the basis for the apportionment delivery – review is scheduled to be complete, by December 18. Additionally, ETL permits the reporting of a Usual Home Elsewhere (UHE), which will not be able to be processed with this new approach.
processing approach. This will enable adding ETL and SBE population counts state-by-state significantly later in the Census Unedited File (CUF) production process.	The CUF will have to be re-run prior to the processing of the Census Edited File (CEF) in order to add in the SBE/ETL population for the Public Law 94-171 Redistricting file. The Apportionment Team will need to change its processing plans and conduct testing to ensure the proper integration of ETL/SBE state counts.
Compress POP division and DSSD review and processing times	A compressed review period creates risk for serious errors not being discovered in the data – thereby significantly decreasing data quality. Additionally, serious errors discovered in the data may not be fixed – due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.
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#### Implementation of the Presidential Memo

A team has been established and is tasked with deriving a process utilizing sound statistical methods and meeting tests of operational feasibility, to achieve the goals of directives from Secretary Ross regarding implementation of the Presidential Memo. To achieve this, the Census will:

- Build upon the work we have already done based on Executive Order 13880,
   "Collecting Information about Citizenship Status in Connection with the Decennial Census".
- Use all administrative records to the extent they are available. Using these records, in combination with other data already obtained regarding citizenship status, we will further refine the non-citizen category into legal, illegal, or unknown.
- Incorporating this work into the schedule to meet the current legal mandates.





### Announcing the Replanned Operational Schedule

- Announce: Statement from Director Dillingham issued by Monday afternoon or as approval given with new schedule and re-plan outline.
- Update Webpage: We will update central schedule webpage with new dates.
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DRAFT, PRE-DECISIONAL

### 2020 Census Operational Adjustments Due to COVID-19

The 2020 Census is underway and households across America are responding every day. Online, phone and mailed self-responses will continue throughout the data collection process. In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census operations in order to:

- > Protect the health and safety of the American public and Census Bureau employees.
- > Implement guidance from federal, state, and local health authorities.
- > Ensure a complete and accurate count of all communities.

The table below summarizes significant activities and operations of the 2020 Census. The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule. On March 28, the Census Bureau announced a further two-week suspension, to conduct a thorough examination of field data collection activities, as well as guidance from federal, state, and local health authorities.

Under the new 2020 Census plan, field activities would resume after June 1, 2020, as Area Census Offices begin returning to full staff capacity. In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self- responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Field Offices at Peak Operations Managers and staff commence administrative, training, deployment and support activities for peak data collection operations. This includes selecting and hiring field staff.	March 1	June 1
Update Leave Census takers drop off invitations at the front doors of 5 million households. These households can respond online now—even without the invitation—by providing their address.	March 15-April 17	June 13 – July 9

### DRAFT, PRE-DECISIONAL

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Activity/Operation	Planned Schedule	NEW SCHEDULE
Update Enumerate Census takers interview about 2,000 households in remote parts of northern Maine and southeast Alaska.	March 16-April 30	June 14- July 29
Mobile Questionnaire Assistance Census Bureau staff assists people with responding online at places people gather (events, grocery stores, etc.).	March 30-July 31	August 11 to October 31*
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31
In-Person Group Quarters Enumeration Some group quarters have already begun responding through our e-Response enumeration option. Group Quarters that remain as part of our in-person group quarters enumeration efforts will begin in July.	April 2-June 5	July 1- September 3
Service Based Enumeration We're working with service providers at soup kitchens, shelters and regularly scheduled food vans to count the people they serve.	March 30-April 1	July 29 – July 31*
Count of People experiencing homelessness outdoors Census takers count people under bridges, in parks, in all-night businesses, etc.	April 1	July 31*
Enumeration of Transitory Locations Census takers count people staying at campgrounds, RV parks, marinas, and hotels if they do not usually live elsewhere.	April 9-May 4	September 3 – September 28*
Process Apportionment Counts After collection activities are complete, Census Bureau experts	July 31, 2020 – December 31, 2020	October 31, 2020 – April 30, 2021

### Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 117 of 144

### DRAFT, PRE-DECISIONAL

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Activity/Operation	Planned Schedule	NEW SCHEDULE
run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.		
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31	Deliver By April 30, 2021
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	Deliver By July 31, 2021

<sup>\*</sup>Tentative

From: Walsh, Michael (Federal)

To: Wilbur Ross

 Cc:
 Barranca, Steven (Federal)

 Subject:
 FW: Monday Census Calls

 Date:
 Monday, August 3, 2020 5:47:28 AM

Attachments: Operational and Processing Options to meet September 30 Final.pdf

#### PREDECISIONAL AND DELIBERATIVE

Here is a revised version for this morning's 8:00 call.

From: Dan Risko < DRisko@doc.gov>

**Date:** Sunday, August 2, 2020 at 10:08 PM

To: Karen Kelley < KKelley@doc.gov>, "Olson, Stephanie (Federal)" < SOlson@doc.gov>,

"Paranzino, Anthony (Federal)" <AParanzino@doc.gov>, "Ahmad, Ali M"

<ali.m.ahmad@census.gov>, Mike Walsh < MWalsh@doc.gov>, "Smith, Steven K"

<steven.k.smith@census.gov>, "Treat, James B" <james.b.treat@census.gov>, "Stempowski,

Deborah M" <deborah.m.stempowski@census.gov>, "Fontenot, Albert E"

<albert.e.fontenot@census.gov>, "Olson, Timothy P" <timothy.p.olson@census.gov>, "Lamas,

Enrique" <enrique.lamas@census.gov>, "Cogley, Nathaniel" <nathaniel.cogley@census.gov>,

"Dillingham, Steven" < steven.dillingham@census.gov>, Ron Jarmin

<ron.s.jarmin@census.gov>, "Meredith, Ethan (Federal)" <EMeredith@doc.gov>, "Jones,

Christa D" <christa.d.jones@census.gov>, "Thieme, Michael T"

<michael.t.thieme@census.gov>

**Cc:** "Goudarzi, Talat (Federal)" < TGoudarzi@doc.gov>, Steven Barranca

<SBarranca1@doc.gov>, "Martin, Nicole (Federal)" <NMartin1@doc.gov>

Subject: Monday Census Calls

Good evening,

Please see the attached slide deck for tomorrow's calls. We will use the following phone line:



Contact me directly if you have any issues with the slides or the conference line.

Best,

#### Dan Risko

Chief of Staff
Office of the Deputy Secretary
United States Department of Commerce
202-482-6010 (o) | 202-304-3048 (c)
drisko@doc.gov

# Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment

August 3, 2020

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your future START HERE >



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### Overview of Backend Processing

### **Assumptions:**

- Highly compressed schedule for 2020 Census data processing and review of data products.
- 2. Post-processing must start by October 1, 2020.
- 3. Post-processing work activities are limited to those required to produce apportionment counts. Delivery of redistricting data products will be negatively impacted under this revised plan and we are determining full impacts.
- 4. All of these activities represent abbreviated processes or eliminated activities that will reduce accuracy.



## Case 5:20-cv-05799-LHK Document 195-1 Filed 09/21/20 Page 129 of 144 Compressing Backend Processing

Adjusted Activity	Impact and Risks
Finalize Master Address File (MAF) updates from remaining field operations by 9/4/20	We do not anticipate that the resulting number of updates not included will be highly significant. However, increases risk of inaccuracy.
Address updates from continued field work after 9/4/20 will not be applied to the MAF	
Eliminate the step that includes Decennial Statistical Studies Division (DSSD) review of the MAF extract	Risk of missing and therefore propagating errors, however the MAF is the most accurate ever.
Lock Geographic processing on 9/25/20 and deliver the final 2020 Census address universe by 10/14/20	Reduces a 35 day processing duration to 19 days.
Cancel Count Review Event 2, eliminating the need for late Group Quarters Enumeration (GQE) operations	State demographer review of GQ data will be cancelled. The Demographic and Decennial staffs will work together to develop the message and communicate it to the Federal State Cooperative for Population Estimates (FSCPE)/states. The risk is virtually certain vocal objections from the FSCPE State Demographers and the State Governors they serve.





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Adjusted Activity	Impact and Risks
Create a separate processing stream for the Enumeration of Transitory Locations (ETL) and Service Based Enumeration (SBE) operations that follows the Federally Affiliated Count Overseas (FACO)	This file needs to be delivered to POP by the time the CUF – the basis for the apportionment delivery – review is scheduled to be complete, by December 18. Additionally, ETL permits the reporting of a Usual Home Elsewhere (UHE), which will not be able to be processed with this new approach.
processing approach. This will enable adding ETL and SBE population counts state-by-state significantly later in the Census Unedited File (CUF) production process.	The CUF will have to be re-run prior to the processing of the Census Edited File (CEF) in order to add in the SBE/ETL population for the Public Law 94-171 Redistricting file. The Apportionment Team will need to change its processing plans and conduct testing to ensure the proper integration of ETL/SBE state counts.
Compress POP division and DSSD review and processing times	A compressed review period creates risk for serious errors not being discovered in the data – thereby significantly decreasing data quality. Additionally, serious errors discovered in the data may not be fixed – due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.
Compress time for creating/verifying apportionment data and preparation of transmittal package for DOC	A compressed review period creates risk for errors being present in the data.

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### Implementation of the Presidential Memo

A team has been established and is tasked with deriving a process utilizing sound statistical methods and meeting tests of operational feasibility, to achieve the goals of directives from Secretary Ross regarding implementation of the Presidential Memo. To achieve this, the Census will:

- Build upon the work we have already done based on Executive Order 13880,
   "Collecting Information about Citizenship Status in Connection with the Decennial Census".
- Use all administrative records to the extent they are available. Using these records, in combination with other data already obtained regarding citizenship status, we will further refine the non-citizen category into legal, illegal, or unknown.
- Incorporating this work into the schedule to meet the current legal mandates.





### Announcing the Replanned Operational Schedule

- Announce: Statement from Director Dillingham issued by Monday afternoon or as approval given with new schedule and re-plan outline.
- Update Webpage: We will update central schedule webpage with new dates.
   (current page reflects re-planning status)
- Rollout: We will follow a controlled rollout to give appropriate embargoed heads up to key Congressional offices, and then post and distribute the updated materials to Census Bureau staff, partners, intergovernmental stakeholders, and the media.





### Questions?

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From: Burris, Meghan (Federal)

To: Wilbur Ross

Cc: Walsh, Michael (Federal); Ahmad, Ali M

Subject: NYT Front Page:: As Census Count Resumes, Doubts About Accuracy Continue to Grow

**Date:** Monday, August 24, 2020 9:30:35 AM

Mr. Secretary,

Please see below for the NYT story that we discussed late last week. I think Tim did a great job addressing a lot of the pushback we've been receiving about the timeline and the story is much more fair because of it. Thanks!

As Census Count Resumes, Doubts About Accuracy Continue to Grow

The New York Times – Michael Wines, August 24

Officials project optimism. But a chorus of experts says the pandemic and politics could lead to a deeply flawed count.

With the 2020 census into its final stage, more than one in three people hired as census takers have quit or failed to show up.

Many still on the job are going door to door in areas that largely track places where there are elevated rates of coronavirus infections, according to calculations by the National Conference on Citizenship, Civis Analytics and The New York Times.

And with 38 million households still uncounted, state and local officials are raising growing concerns that many poor and minority households will be left out of the count.

Wracked by the pandemic and politics and desperately short of time, the last stage of the national population count — a Constitutional mandate to tally everyone living in the United States accurately — is unfolding in historic doubt.

Covid-19 and rising mistrust of the government on the part of hard-to-reach groups like immigrants and Latinos already had made this census challenging. But another issue has upended it: an order last month to finish the count a month early, guaranteeing that population figures will be delivered to the White House while President Trump is still in office.

Unlike the Postal Service, another fundamental American institution suddenly under siege and where problems have unleashed a furious public backlash, the census is racing toward a finale largely out of sight. But many experts are increasingly convinced that a public reckoning over a deeply flawed count may be unavoidable.

"If the current situation holds, I do not expect a census of the quality that the Census Bureau will even want to release the data," Kenneth Prewitt, the Columbia University professor who oversaw the 2000 census, said at a <u>University of Virginia forum</u> this month.

Mr. Prewitt's view is shared by many state and local census officials and private experts. "This is

truly, truly, hair-on-fire awful," said one government research contractor long involved in census issues, who declined to be identified because of an employment prohibition against being quoted.

The Census Bureau roundly disagrees. "We are sufficiently staffed, with high productivity, and we continue adding people to do the work," Timothy P. Olson, who manages the census on a day-to-day basis, said in an interview. "I believe we're in a really good place to complete the data collection by <u>Sept. 30."</u>

Mr. Olson said the last part of the tally — when census-takers count the 61 million households that have not submitted a census form — was proceeding a third faster than predicted. The bureau projected it would be 28 percent done by now, he said, instead, it is 37.3 percent done.

He said shifting paper census surveys online, giving census takers iPhones and access to a mobile app, and offering performance bonuses had made the count far nimbler than it was a decade ago. Census-takers, he said, are two-thirds more productive than forecast.

And although the bureau has struggled to find door-knockers, he said, over 160,000 new hires being trained now or in the coming days will fill its need.

That said, the bureau has perhaps more uncounted households than at this stage in any previous census — and under the worst circumstances in memory. Just as crucial, the speedup in the deadline gives experts less time to check the data than ever before. Inside Census Bureau headquarters, officials are assessing which quality checks must be jettisoned and data-processing software rewritten to finish on time.

And on the ground, the early door-knocking has been riddled with kinks like sloppy training, a clunky mobile app and unsettling encounters with people not wearing masks and who were unconcerned about spreading the coronavirus to the stranger on their porch.

Such problems have raised doubts among experts about whether the 2020 population totals will be accurate enough for crucial national decision making. The numbers are used to divide the 435 seats in the House of Representatives among the states, draw political maps nationwide and fairly dispense more than \$1.5 trillion in federal grants and aid annually.

Shortfalls could mean a severe undercount of the poor and people of color, and an overcount of whites — skewing both political representation and federal largess further away from already undercounted populations.

No census is perfect, and many have been marred by incidents like fires in 1890 and 1980, lost records and even skulduggery.

But none has been rejected as fatally flawed. Indeed, no metric for a flawed census exists. Congress, which has legal authority over the census, could make that judgment, and a lawsuit could seek to. Either would put the census in uncharted waters.

The count faces two crushing deadlines — to compile an accurate tally by Sept. 30, and to process

and double-check the numbers in time to deliver population totals to the president by <u>Dec. 31</u>. The Census Bureau earlier had told Congress it needed to push the delivery of population totals to April 2021 because of the pandemic.

The Trump administration ordered the speedup, critics say, because it <u>wants to subtract</u> <u>undocumented immigrants</u> from the totals before sending them in January to Congress to reapportion the House. That plan — which faces multiple court challenges — would reshuffle House seats to <u>give a modest advantage</u> to the Republican Party.

It comes as the administration has installed political appointees in the Census Bureau's top ranks — two in June and a third named last week to a new post: deputy director for data. Critics say the administration wants to change crucial statistical methodologies to give Republicans an even greater edge.

The bureau rejects that. "Our commitment to a complete and accurate 2020 Census is absolute," Steven Dillingham, the bureau's director, <u>said in a statement</u> last week.

While exact comparisons are not possible, 13 states appear to <u>have a better rate of response</u> to the census than at a roughly comparable time in 2010. The remaining 37 states, the District of Columbia and Puerto Rico are lagging, sometimes badly.

The bureau said Saturday that it had reached enough nonresponders to raise the total share of households counted to 74.8 percent, a healthy rise from the 64.1 percent that had voluntarily sent in census forms when door-knocking began.

But by definition, the remaining households are ever harder to reach, and the obstacles to reaching them are formidable. They include predictions of an unusually active hurricane season and fears that Mr. Trump's anti-immigrant policies will deter census responders.

"Sane people are questioning the government," said Esteban L. Bovo, a Miami-Dade County commissioner and liaison to the Census Bureau. "As much as I tell people federal law prohibits the government from giving their information out, I don't know that they're buying it."

There are successes. Getting residents to shift from paper surveys to an online census has worked almost flawlessly. But the effort to find those who did not participate has been hamstrung by software and bureaucratic snafus like scrambled assignments of addresses for door-knocking — flaws that experts say rigorous testing that was canceled last year for lack of money might have uncovered. One door-knocker in central Seattle said he reproduces his list of nonresponders in a spreadsheet each morning before setting out to work.

A persistent problem involves center-city apartment buildings, where nonresponders are identified to census-takers only by addresses and alphanumeric codes, but building directories often identify residents only by name.

Such problems are typical of any census, Mr. Olson said, adding that the bureau has established procedures to ensure that residents are counted.

Then there is the pandemic, which forced a three-month delay in door-knocking to August — and whose nationwide average of new cases is about 50 percent higher today than when that delay was imposed last spring.

Nearly four in 10 U.S. counties recorded at least 100 virus cases per 100,000 residents in the past week. More than half of the 38.2 million residents who remain to be counted - 20.1 million - live in states with Covid-19 rates above that level, according to an analysis by the National Conference on Citizenship.

That poses a daunting problem for door-knockers, said William F. Pewen, an epidemiologist working with the National Conference on Citizenship to assess the coronavirus crisis's impact on the census. Above the 100-cases-a-week level, he said, the chance of a sudden surge in infections rises sharply, as does the individual risk of infection. So does public wariness about interacting with strangers.

"Doors are not going to open," Dr. Pewen said, "and we could miss thousands or millions of people."

But Mr. Olson said that although many potential door-knockers apparently declined jobs for fear of getting sick, the virus did not significantly seem to affect residents' willingness to talk to census workers.

That said, census takers say there is resistance. One said that doormen of high-rise buildings had denied entry in roughly three out of every four locations in an upscale Chicago neighborhood, usually citing Covid-19 concerns. The problem is bad enough that New York City last week sent a notice ordering building managers to let census workers in.

<u>In Miami-Dade County</u>, where four in 10 of the county's 870,000 households have not filled out census forms, the weekly rate of virus cases is 281 per 100,000 residents, dwarfing the national average of about 13.5.

But rural areas also are at risk. Largely untouched by the coronavirus outbreak a month ago, the 13,500 residents of Montana's  $\underline{\text{Big Horn County}}$  have recorded 81 cases in the past week — 608 per 100,000. Fourteen people have died.

In 2010, about half the county's households filled out census forms. This year, only about one in five has done so, and a Crow Indian reservation is in a lockdown to prevent spread of the virus, deterring census takers from going there.

"The initial plan was to go into communities when Covid rates were manageable," said Denice Ross, a senior fellow at the National Conference on Citizenship. "That's why they needed extra time. By compressing it, they've lost that flexibility."

Even if the count goes well, some of the biggest challenges lie ahead.

In the past, census-takers' submissions have undergone exhaustive accuracy checks, from reviewing buildings deemed vacant to resampling door-knockers' work to detect "curbstoning" — making up

survey responses. The latest operations update cites plans for "streamlining backend operations," raising fears that some of that scrutiny will be scrapped.

The only accuracy check canceled to date is a review to ensure that so-called group quarters, like prisons and college dorms, have not been placed in the wrong census tract. But experts say they believe that more cuts are coming — and that lower quality will force the bureau to fill data gaps with secondhand information or educated guesses made by computer algorithms.

Censuses have long used such gambits to plug holes in data. Courts have endorsed them because guesses were better than no data at all, and because their use was so sparing that the overall accuracy of the count was never in doubt.

The question now is whether this census will change that.

The Census Bureau is mission-driven, and by <u>Dec. 31</u>, "they'll get something" to the White House, said John H. Thompson, who headed the bureau from 2013 to 2017.

"The quality of it," he added, "remains to be seen."

#### DRAFT, PRE-DECISIONAL

### Talking Points Re: 2020 Census Extension & Shift in Field Operations

- 2020 Census self-response is doing very well, and is ahead of the projected schedule.
   Over 70 million households have responded as of today, more than 47% of all households in America.
- Census Bureau is committed to following Federal, State, and local public health authority guidance on safe social distancing to conduct its operations. This has already resulted in significant shift in field operations.
- Under our original path, peak field operations started in mid-March 2020, and continued until the planned end date of Nonresponse Followup (requiring census taker visits to nonresponding residences) on July 31, 2020.
- After that, significant back-end data processing would be conducted to produce the apportionment numbers by December 31, 2020, and redistricting information by March 31, 2021. These are statutory deadlines established in Title 13 of the US Code.
- The Census Bureau announced an initial two-week suspension of field operations on March 18, and produced an updated schedule, which would have re-started peak field operations on April 1 and a completion of field activities by August 14, 2020.
- If this was the only necessary extension, our schedule still allowed us to meet our statutory deadlines.
- On March 28, the Census Bureau announced a further two-week suspension, following the President's COVID-19 guidance.
- During the second pause, and in light of guidance issued since the March 28<sup>th</sup> announcement that would necessitate additional delays, we conducted a thorough examination of field data collection activities, as well as reviewed guidance and projections cited by public health officials.
- The Census Bureau is proposing re-starting peak field operations, consistent with applicable health guidance, after June 1, 2020, and shifting our field data collection activities accordingly.
  - Field data collection activities include our operation to hand-deliver census materials to rural households (Update Leave), enumerate extremely rural places in person (Update Enumerate), count homeless populations, count persons living in institutions or group situations (Group Quarters) and conduct our largest operation, Nonresponse Followup.

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#### DRAFT, PRE-DECISIONAL

- Importantly: In-person activities, including enumeration, office work and processing activities, will incorporate the most current guidance to ensure the health and safety of staff and the public.
- Based on the shift in field operations to when they can be conducted safely, the Census Bureau will need an extension of the deadline to deliver apportionment data and redistricting data.
- Under our June 1 restart plan, our window for ending field data collection would extend to October 31, 2020.
- We would deliver apportionment counts no later than April 30, 2021.
- We would deliver redistricting data to the states no later than July 31, 2021.
- In addition, a legislative fix would be necessary to adjust the statutory deadline by which the President transmits the apportionment counts to Congress. Currently, the legislative deadline is within 7 days of the start of the new legislative session. Since the legislative session starts several days after the new year, the practical effect is a deadline within 10-20 days of the delivery of apportionment counts. The legislative text adjusts this deadline to within 14 days to delivery of the count.

### DRAFT, PRE-DECISIONAL

### Statutory deadlines are highlighted in yellow.

Activity/Operation	Planned Schedule	NEW SCHEDULE
Self-Response Phase Online, phone and mailed self-responses continue throughout the data collection process.	March 12-July 31	March 12 – October 31
Nonresponse Followup (NRFU) Census takers will interview households in person.	May 13-July 31	August 11 – October 31*
Process Apportionment Counts After collection activities are complete, Census Bureau experts run and review output from programs to unduplicate responses, determine final housing unit status, populate any missing housing unit data on household size and finalize the universe to be included in the apportionment count file.	July 31, 2020 – December 31, 2020	October 31, 2020* – April 30, 2021
Process Redistricting Data Census Bureau experts run and review programs to populate any missing demographic data for each household, run differential privacy programs to ensure confidentiality and run tabulation programs for each state delivery.	January 1, 2021 - March 30, 2021	May 1, 2021- July 31, 2021
Deliver apportionment counts to the President By law, the Census Bureau will deliver each state's population total, which determines its number of seats in the U.S. House of Representatives.	By December 31, 2020	By April 30, 2021
President delivers apportionment counts to Congress	Within 7 days of start of legislative session or, approximately 10-20 days after receipt.	Within 14 days of receipt.
Deliver redistricting counts to states By law, the Census Bureau will deliver the local counts each state needs to complete legislative redistricting.	By April 1, 2021	By July 31, 2021

<sup>\*</sup>Tentative

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### Potential Q&As

#### What about Update Leave and Update Enumerate?

Update Enumerate is where census takers interview about 2,000 households in remote parts of northern Maine and Southeast Alaska. That operation would start around June 14 and end July 29.

Update Leave is the operation where census takers drop off forms at the front doors of 5 million households with hard-to-mail to addresses. That would start around June 13 and end July 9. We would do additional communications campaign activities around the new scheduled dates to encourage response.

#### What about Mobile Questionnaire Assistance?

As originally planned, this activity was designed so that Census Bureau staff would assist people responding online at places and events where people gather. Since this program requires in person events, and significant coordination with partners, we will need conversations with stakeholders to determine how best to support self-response. Currently, some staff that were assigned to MQA are part of our solution to add additional call-center capacity.

#### What about Group Quarters?

Group Quarters are residences administered by third-parties, like college housing, prisons, and nursing homes. Many group quarters are responding on schedule, because they opted to respond sharing electronic records or to provide their responses on paper. We are working to increase the number of Group Quarters facilities covered by paper or electronic response now. In person group quarters enumeration would occur between July 1 and September 3 under the new plan.

### What about people experiencing homelessness or the highly transitory population?

The operations that cover these populations require significant coordination with stakeholders, and require further review by Census Bureau methodologists. We are committed to carrying them out- but the exact date will be determined by further review and coordination.

These operations are: Service Based Enumeration, where we work with service providers like soup kitchens, shelters, and other charities that serve the homeless; Enumeration at Transitory Locations, where we count people staying at campgrounds, RV parks, marinas, and hotels if they do not have another residence; and, a count of people living outdoors, where we count people under bridges, in parks, staying in all-night businesses, etc.

DRAFT, PRE-DECISIONAL

#### How will you conduct Nonresponse Followup?

Nonresponse Followup (NRFU) was originally scheduled to commence on May 14 and conclude by July 31. NRFU does not have a statutory deadline. For the first time, because of the online and phone response options, we have planned to keep the self-response option open through the conclusion of NRFU. This would be the case under the new plan as well. Under the new plan, NRFU would begin on August 11 and conclude on October 31, 2020. Self-response for the 2020 Census would be open through October 31, 2020.

### Why can't you collect data after August 14 and still deliver apportionment counts or redistricting data on time?

Once 2020 Census data collection is complete, the Census Bureau begins a lengthy, thorough, and scientifically rigorous process to produce the apportionment counts and redistricting information. This process has to go in order, and additional resources cannot make it go appreciably faster.

### Will this require extra money be appropriated?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- The Census Bureau has estimated that an additional \$810 million could costs above the current lifecycle cost estimate that are incurred as a result of the operational delay. These costs include:

Cost Category	Cost Impact
Additional Staffing Costs	340
Contract Adjustments	260
Additional Advertising and Mailing	160
Rent	40
Other IT and Admin Costs	10
Total Cost	810

- By requesting this amount in addition to what is currently appropriated, we will enter the operational phase with the same risk posture as we would have pre-COVID-19, with contingency balances for both known and unknown risks.
- If there is no appropriation of additional money, it would be good for the period of availability for existing funding to be extended.

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DRAFT, PRE-DECISIONAL

#### Are there any other legislative fixes that would be helpful to the 2020 Census?

- The most important thing is that we receive 120 days of relief on the statutory deadline.
- There are other statutory adjustments which could help mitigate the impact of the operational delays by improving the bureau's access to administrative data. These include:
  - Authority to access certain data sets the government already has, like the National Directory of New Hires (NDNH) maintained by HHS or the Social Security Administration's Dependent Database known as KIDLINK.
  - Clarification that colleges and universities can share data on their student population with the Census Bureau for the purposes of enumeration without violating the Families Educational Rights and Privacy Act (FERPA)